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To which are appended

the Report of the Joint Select Committee and the

Government of India Act, 1919

WITH AN INTRODUCTION BY

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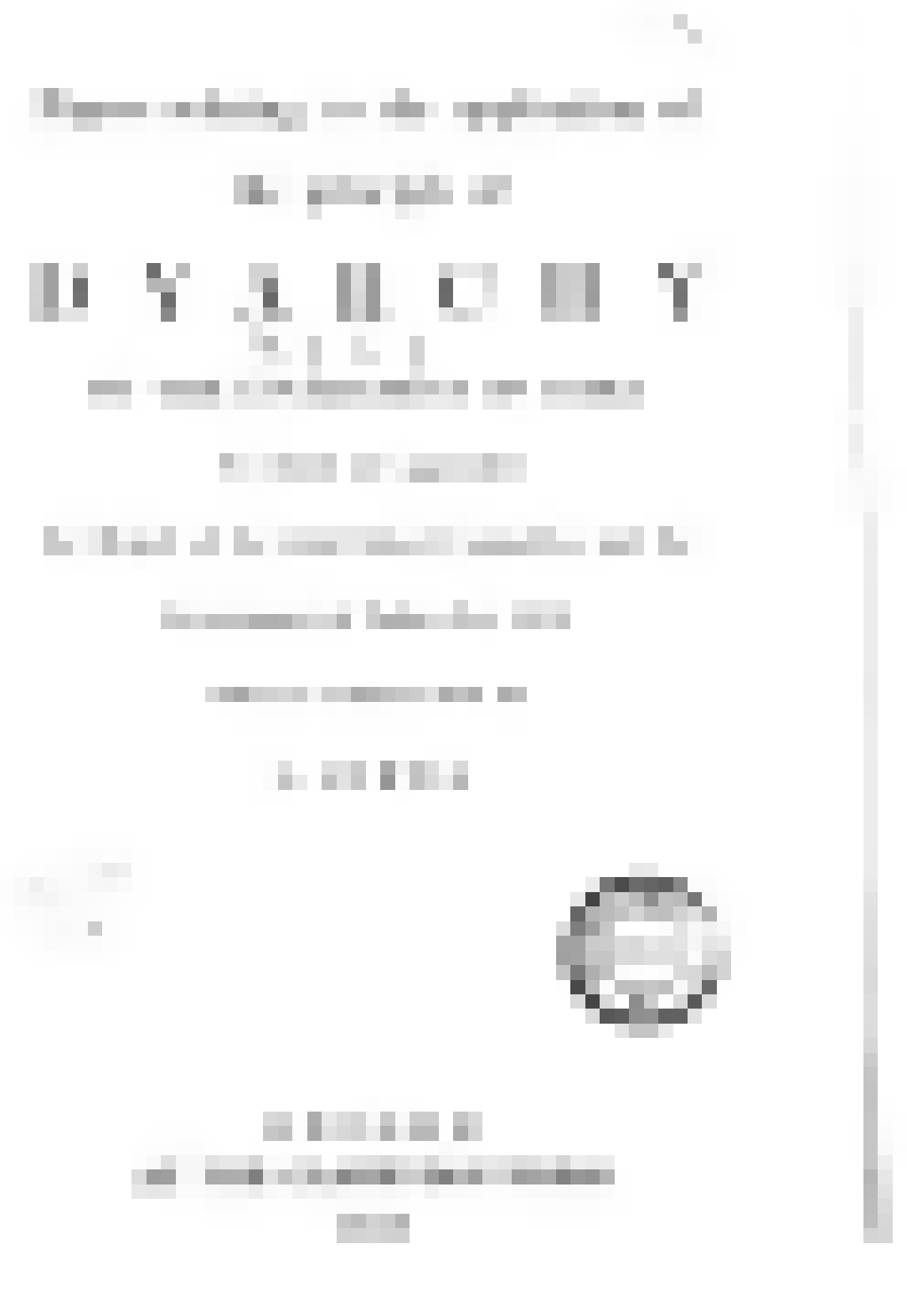

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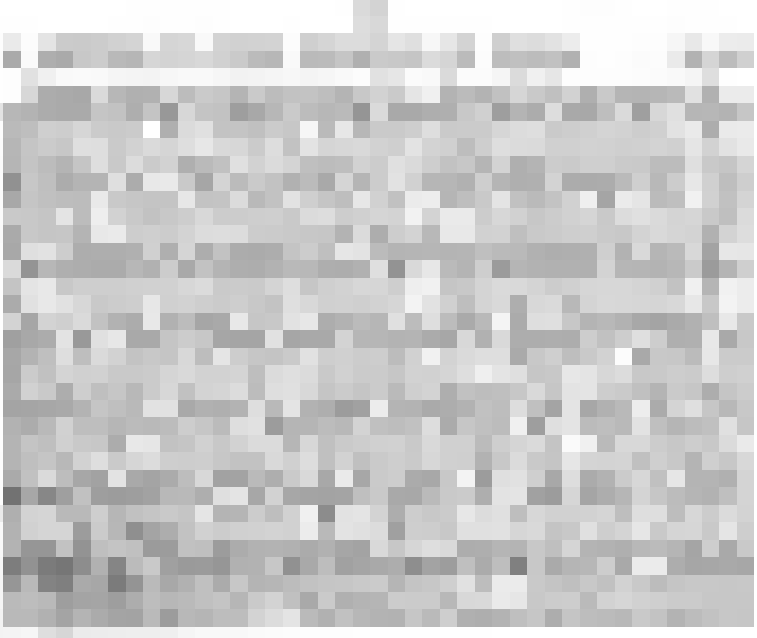

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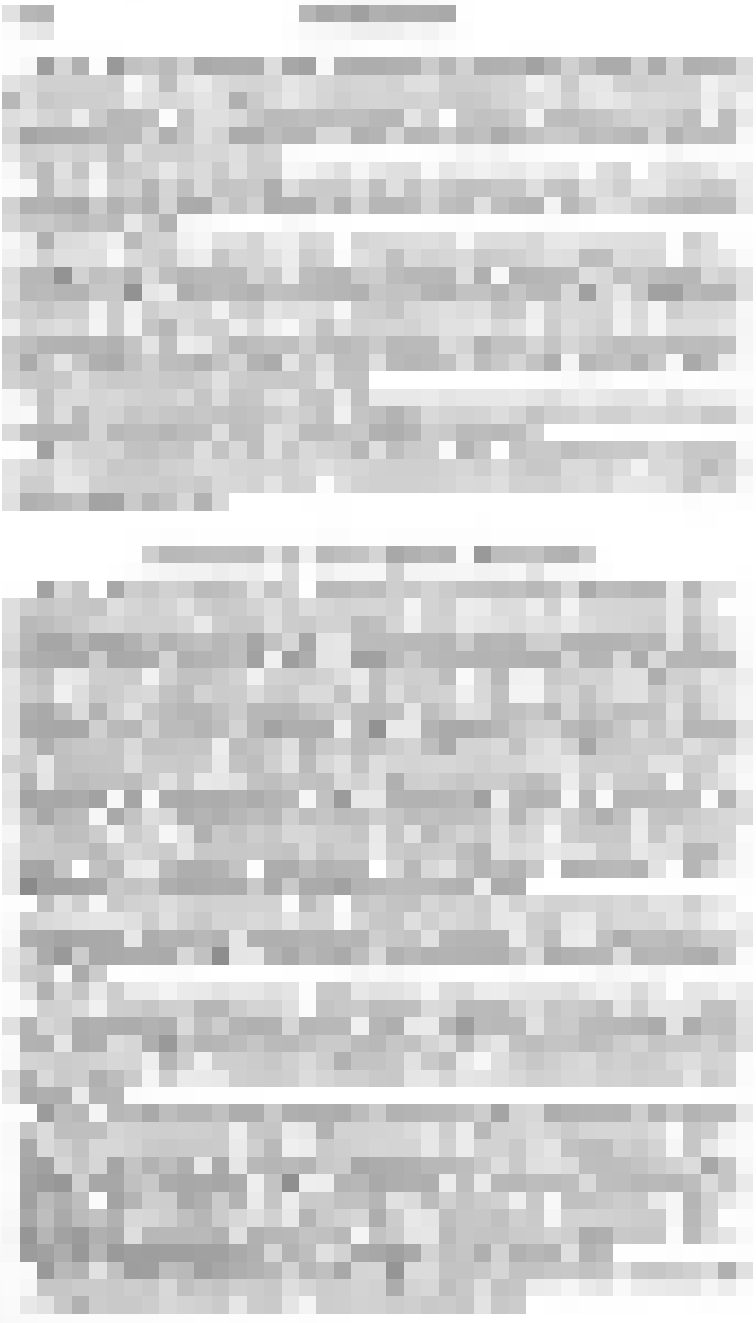

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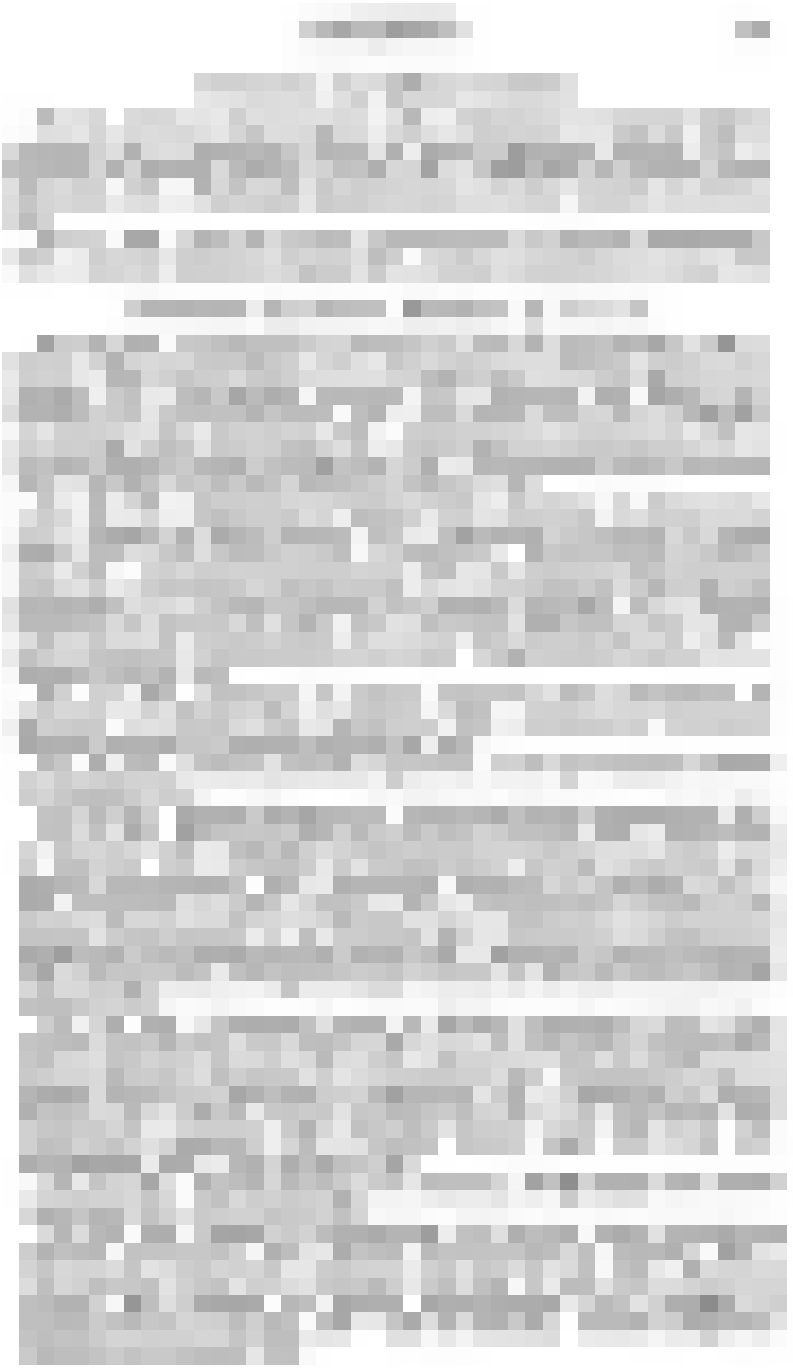

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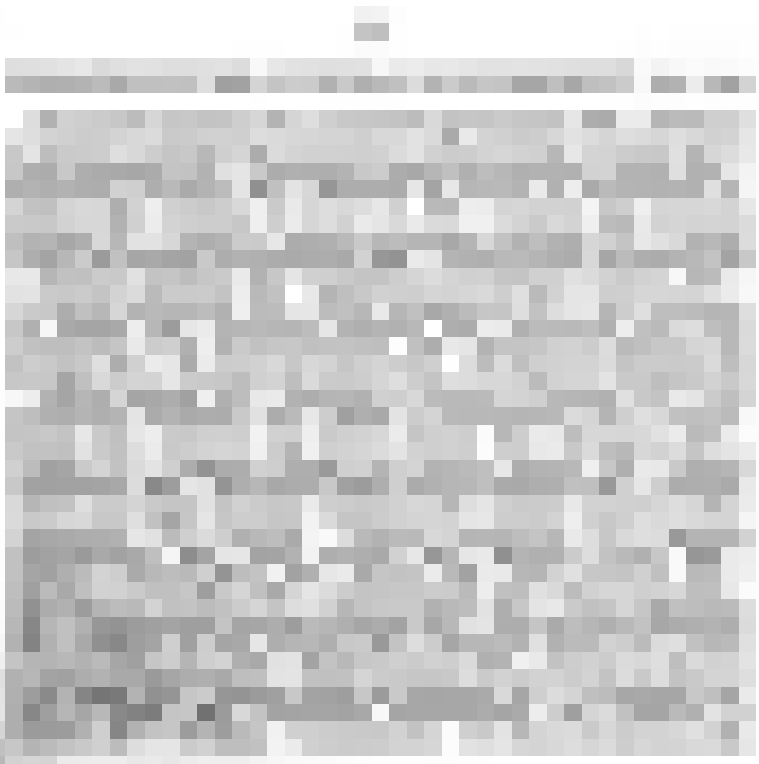

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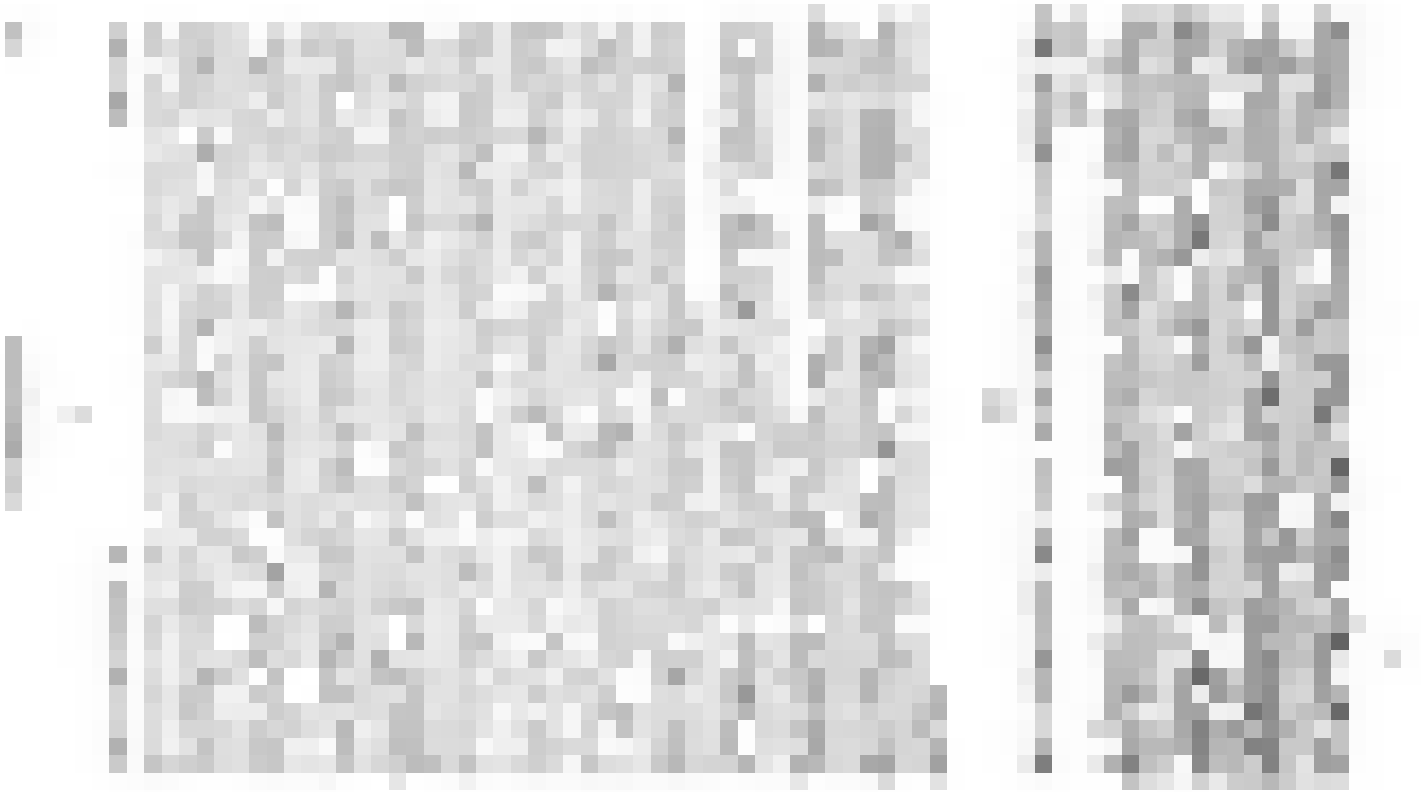

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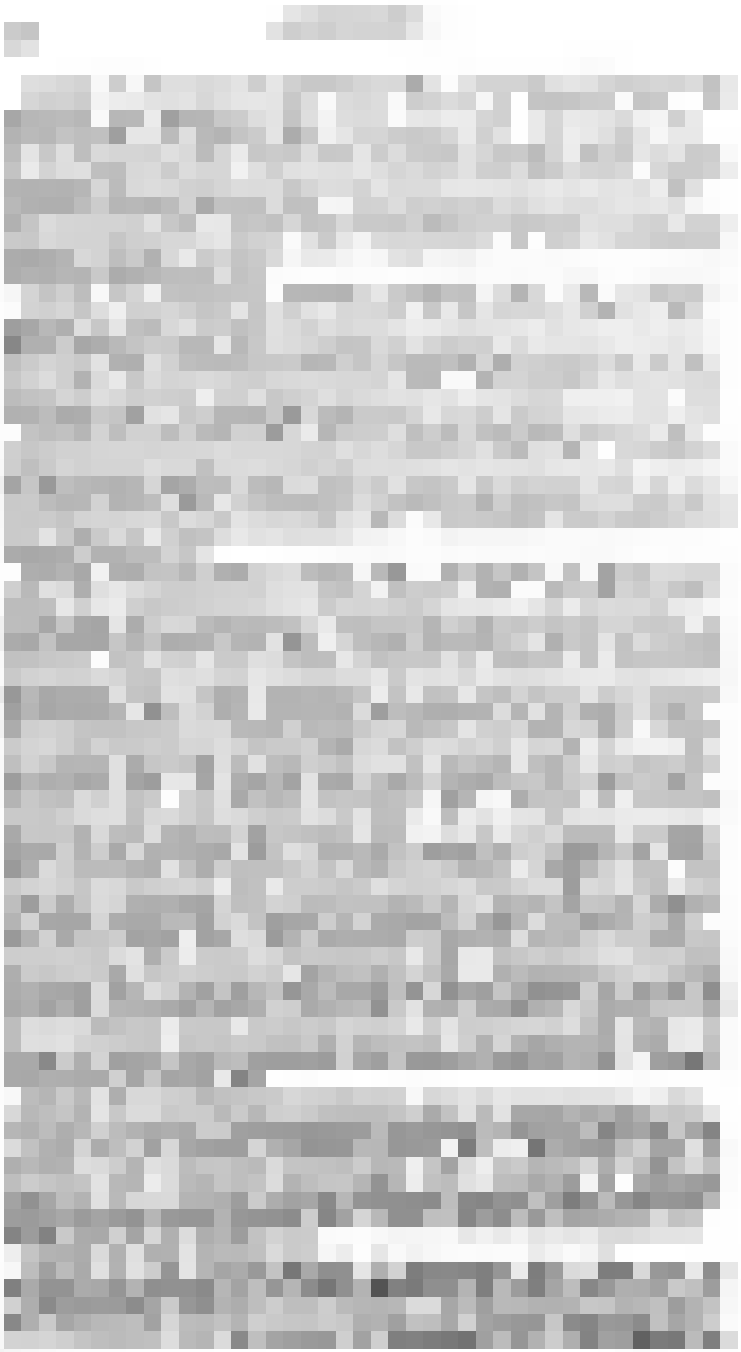

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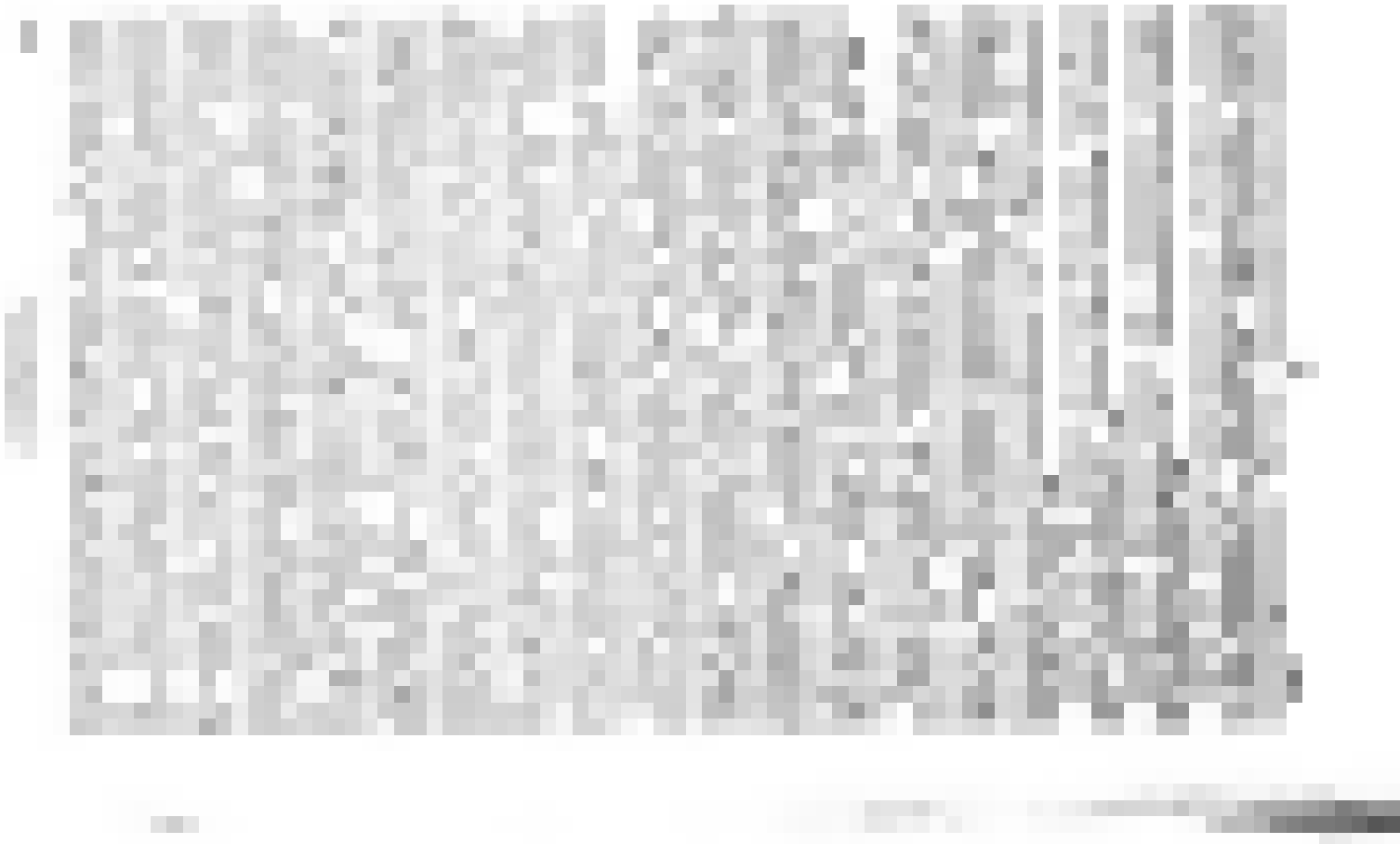

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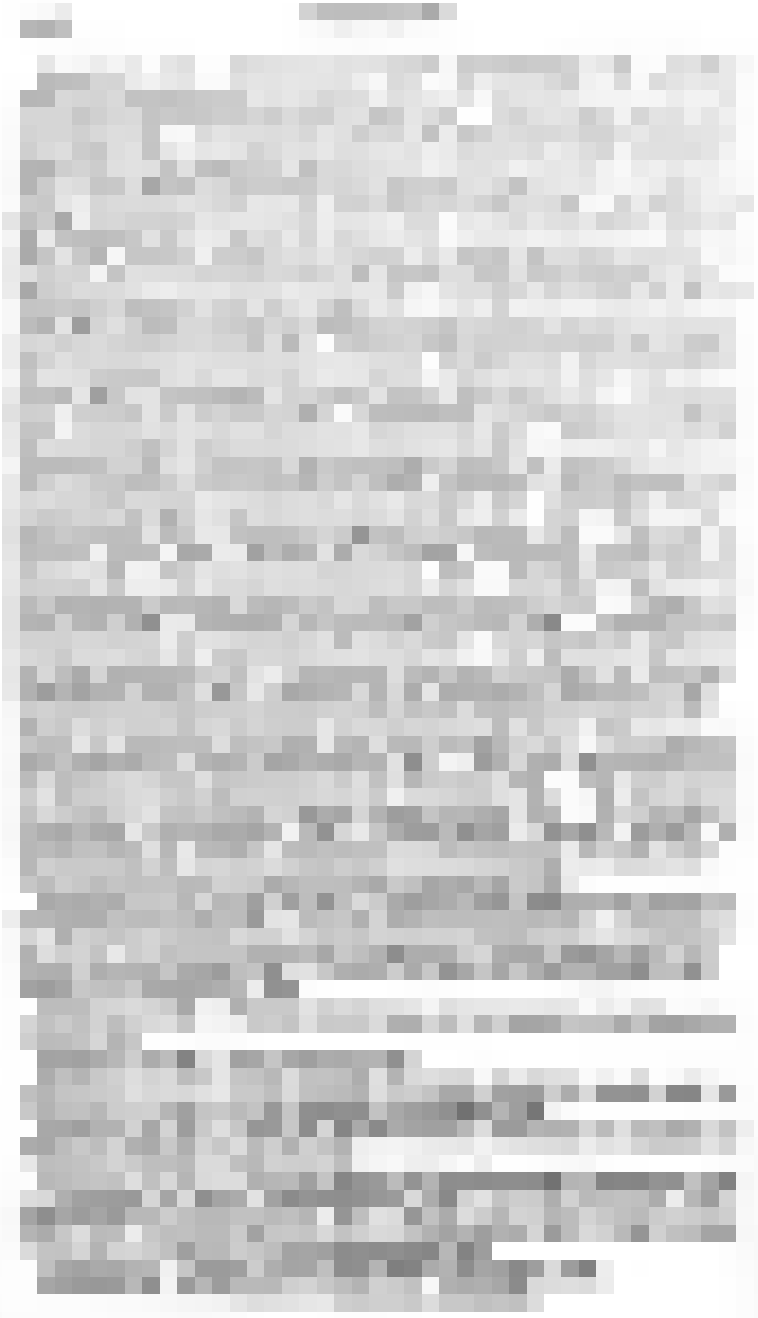

INTRODUCTION

§ 1. The measure passed in the closing weeks of last year brought to a decision the issues raised by the pronouncement on Indian policy made by the Imperial Government in August 1917. Ten, twenty, and thirty years hence, Parliament will send commissions to India to review the results. Their reports showing how far hopes and fears expressed in advance have been verified in practice should remove many things from the region of guess-work and prove valuable additions to political science. The arguments for and against the principle upon which the Government of India Act, 1919, is based are scattered through vast numbers of official dispatches, proceedings of committees, debates in Parliament, and writings in the Press. After many years the future commissions may find some difficulty in collecting and digesting all these papers. As most of the leading points will be found argued in the documents contained in this volume, I have availed myself of the generous offer of the Oxford University Press to place them on record in this form.

§ 2. These papers may also be of use to young civil servants and to future governors who, without previous knowledge of India, are called on to work the new system. To be understood, the Government of India Act, 1919, must be studied with a knowledge of the facts as they were before the changes were made. In Papers IV, V, and VI these facts are stated in outline. The papers are printed in the order in which they were produced; but inquirers approaching the subject with no previous knowledge would, perhaps, do well to read these studies of Indian government before turning to I, II and III, which presume some knowledge of the facts they contain.

§ 3. Those who can see in the new reforms little but a road to the ruin of England's greatest achievements in India

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have pointed to myself as the author of the mischief. The papers here printed together with the facts noted in this introduction will enable these personal questions to be seen, for what they are worth, in truer perspective. They show that the principle of dyarchy was evolved by much anxious thought and inquiry brought to bear on a great problem by a large number of people possessed of a knowledge and experience to which the writer of most of them could not pretend. My own part in the matter was to build a continuous channel in which information drawn from a large number of sources could collect. For evil results which may follow I have no desire to escape any blame which is due. But at least the reader will see that pains were taken to verify facts and test theories, before conclusions were offered for public consideration.

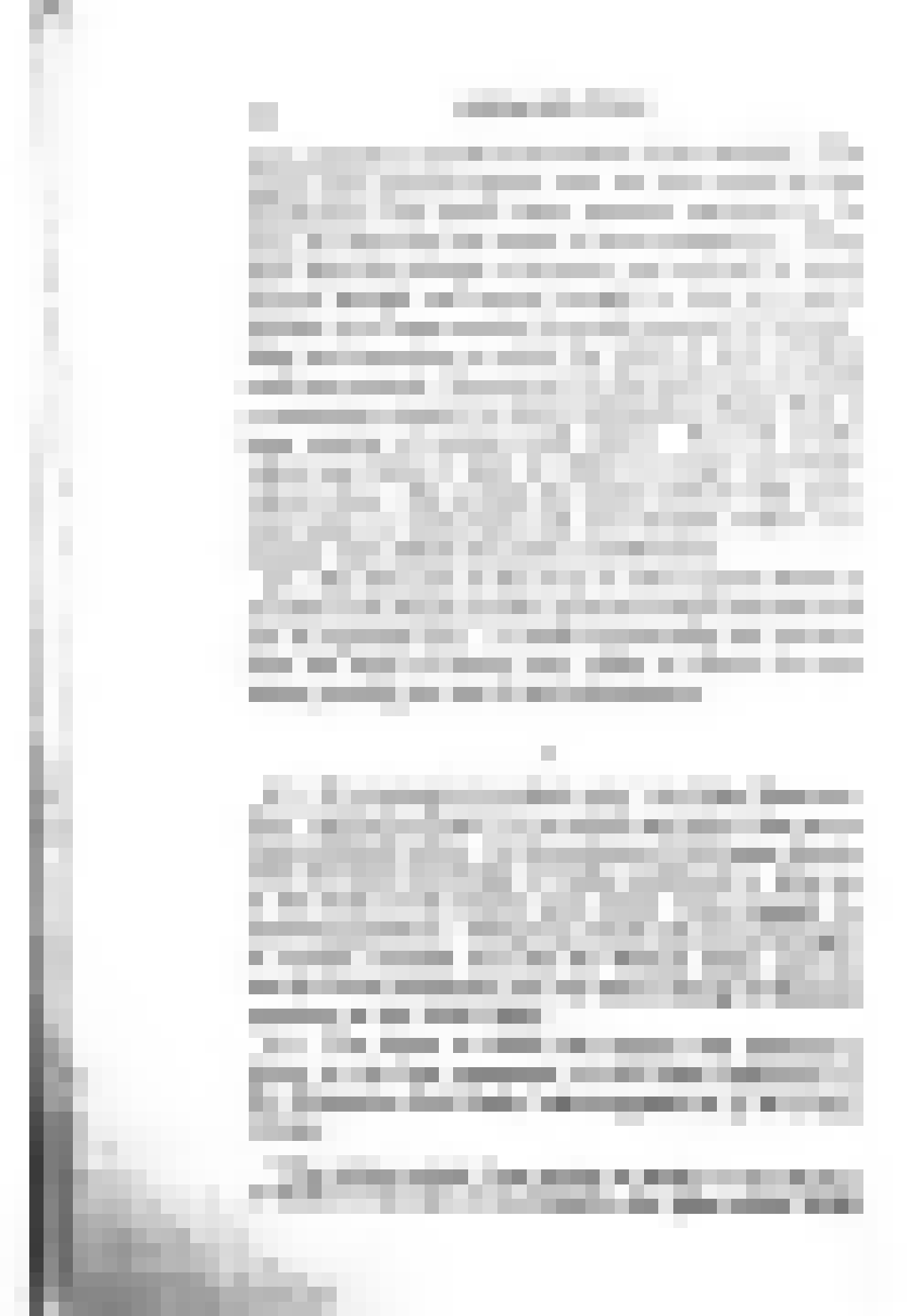
§ 4. The first part of the story is told in great detail in *A Letter to the People of India* (printed as Paper II) and need not be repeated here. A reader approaching the question from the angle of history may prefer to read it at once before perusing the rest of this introduction.

I

§ 5. It is necessary to explain why 'the Duke Memorandum' (printed as Paper I) is so called, and why it has never been published before. In the autumn of 1915 some friends with first-hand knowledge of India undertook to help me in the study of the subject upon which I was engaged by answering questions. This group, which met once a fortnight in London, included men like Sir William Duke, and the late Sir Lionel Abrahams, who was then in charge of financial questions at the India Office.

§ 6. The object to which the inquiry was directed is shown in the first paragraph of the letter addressed to Mr. Bhupendra Nath Basu, which appears on p. 97 of this volume.

'The subject which I am trying to study is the relation of India to the rest of the Empire—the place which India



have pointed to myself as the author of the mischief. The papers here printed together with the facts noted in this introduction will enable these personal questions to be seen, for what they are worth, in truer perspective. They show that the principle of dyarchy was evolved by much anxious thought and inquiry brought to bear on a great problem by a large number of people possessed of a knowledge and experience to which the writer of most of them could not pretend. My own part in the matter was to build a continuous channel in which information drawn from a large number of sources could collect. For evil results which may follow I have no desire to escape any blame which is due. But at least the reader will see that pains were taken to verify facts and test theories, before conclusions were offered for public consideration.

§ 4. The first part of the story is told in great detail in *A Letter to the People of India* (printed as Paper II) and need not be repeated here. A reader approaching the question from the angle of history may prefer to read it at once before perusing the rest of this introduction.

I

§ 5. It is necessary to explain why 'the Duke Memorandum' (printed as Paper I) is so called, and why it has never been published before. In the autumn of 1915 some friends with first-hand knowledge of India undertook to help me in the study of the subject upon which I was engaged by answering questions. This group, which met once a fortnight in London, included men like Sir William Duke, and the late Sir Lionel Abrahams, who was then in charge of financial questions at the India Office.

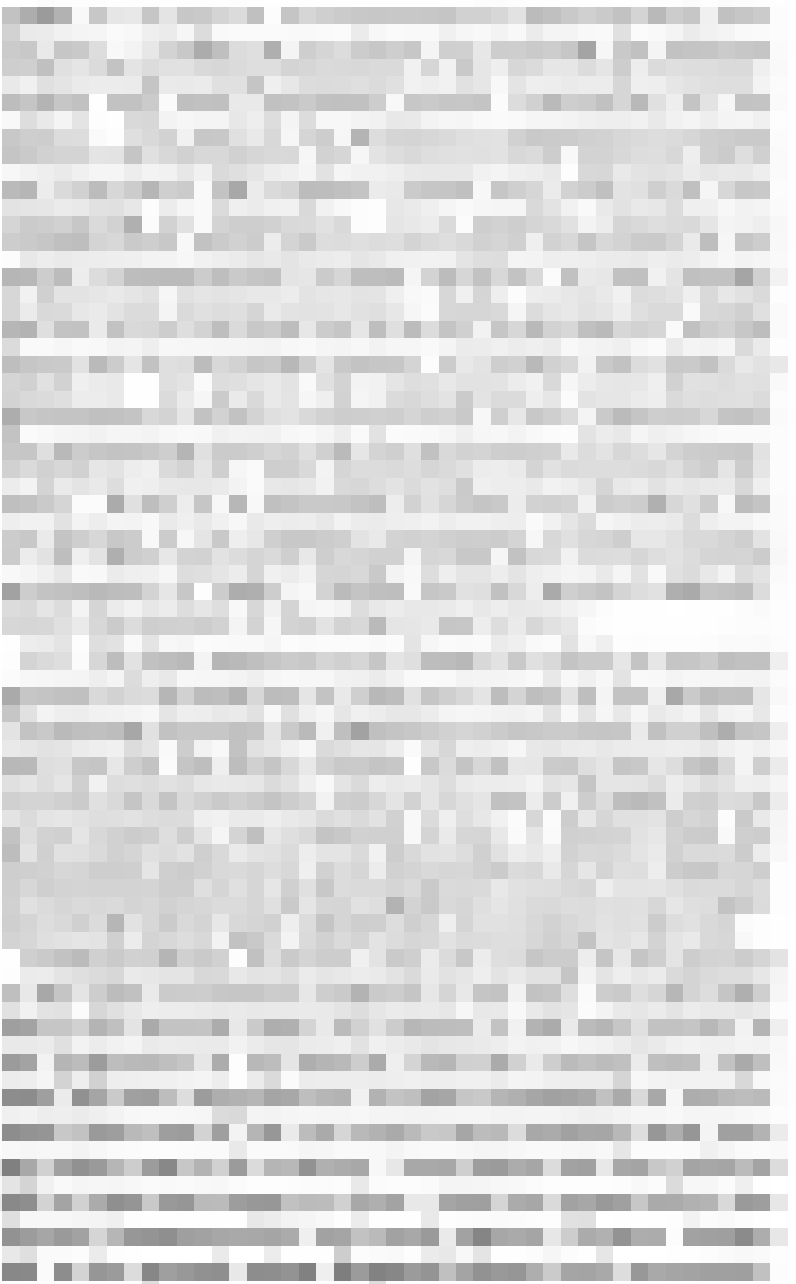
§ 6. The object to which the inquiry was directed is shown in the first paragraph of the letter addressed to Mr. Bhupendra Nath Basu, which appears on p. 97 of this volume.

'The subject which I am trying to study is the relation of India to the rest of the Empire—the place which India

ought to occupy in a reconstructed Commonwealth after the war. I began, as you know, by studying the relations of the self-governing Dominions to the rest of the Commonwealth and have published certain conclusions on the subject. This part of the problem is comparatively simple because the Dominions are, so far as their national affairs are concerned, like separate clocks each with their own mainspring in themselves. It is possible, therefore, to consider their future place in the larger mechanism of the whole Commonwealth without reference to any changes in their own internal structure. India, on the other hand, has not as yet attained this domestic independence, though there are an increasing number of Indians who desire to attain it. At present the mainspring of your domestic government is closely connected and, in fact, identical with the mainspring which works the mechanism of the Commonwealth as a whole. This mainspring is the Imperial Parliament. Hence it is impossible to study any change in the mechanism of the Imperial Government without reference to the effect that such changes would have on the internal government of India. Herein lies the greatest difficulty which the student of the subject has to face.'

§ 7. My first questions were framed to elicit an accurate account of the position in India as it stood at the moment. The process by which the legislative councils had developed, and how by the Minto-Morley reforms they had come to include elected members, who in the case of Bengal were an actual majority, was explained to me. I learned that the Nationalist leaders were now demanding a decisive majority of elected members in all the legislative councils, as a recognition of the active part which India was taking in the war.

Political reform, however, was not a thing to be granted as the price of services rendered in the war. On the other hand, the attitude taken by Indians in the war proved, in the judgement of my friends, that the country was riper than had been supposed for a further instalment of reform. And if this was so, the one course more certainly fatal than any other was to do nothing. Long before the war political life in India had begun to move; and the appeal which the British Commonwealth had made against German designs fell to the ground unless England fostered such movement.



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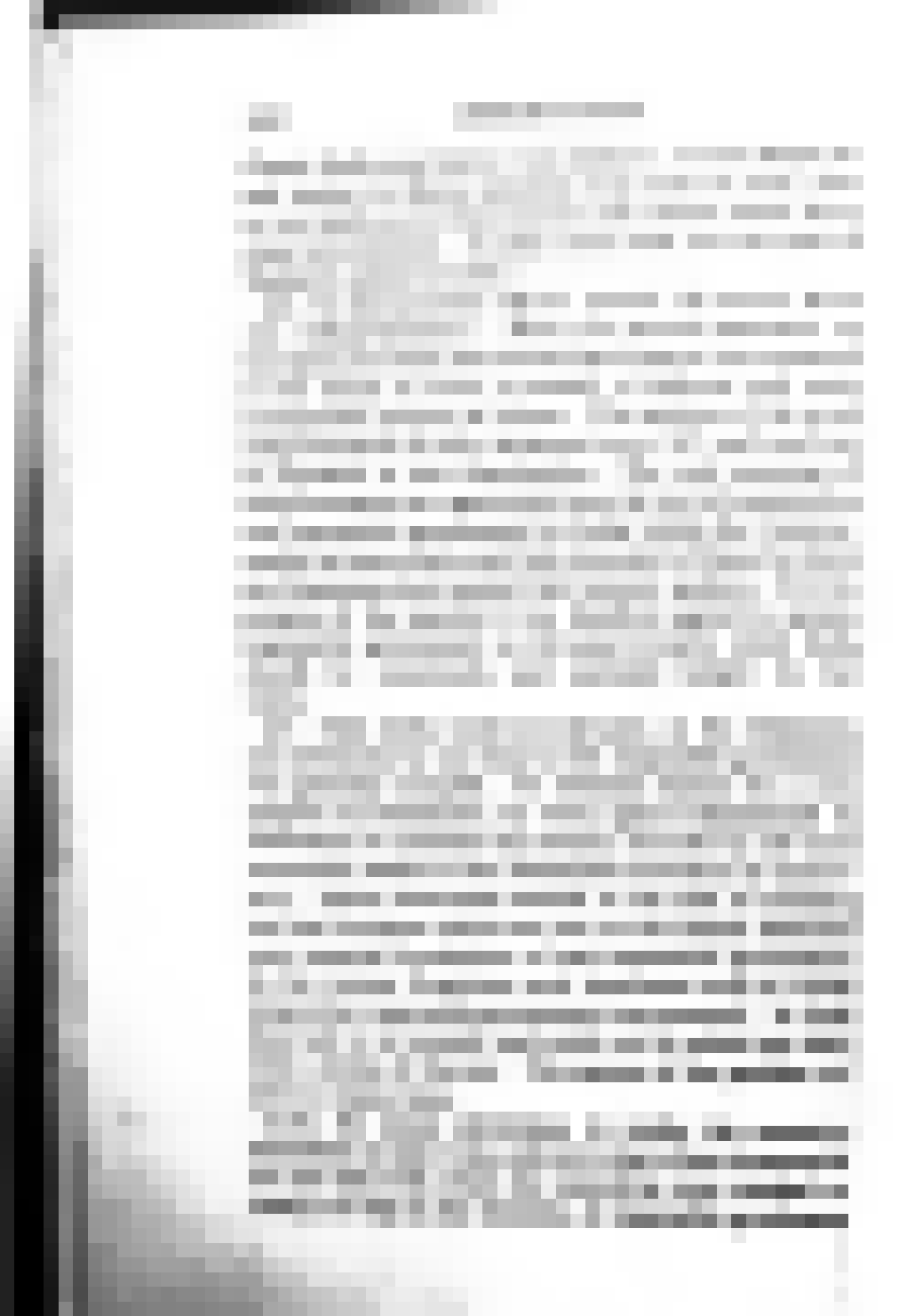
Clearly India must move; but whither? It was dangerous and useless to discuss practical steps until we were clear in our minds as to what was the end towards which those steps were directed. In plain terms what was the goal of England's policy in India?

§ 8. To this question which I pressed, the answer given was 'self-government'. There was general agreement on that point, but when the term self-government was examined it was found to cover a number of different and quite incompatible projects of reform. This analysis of the word self-government is fully developed on p. 357, and need not be repeated in this introduction. The only meaning of self-government as a goal which bore the test of examination was responsible government for India within the Commonwealth on lines which could not stop short of those by which the Dominions had reached their present position. For the purpose of the inquiry it was therefore agreed to assume responsible government as the goal towards which India should be consciously and earnestly helped by her rulers.

§ 9. That India could not advance, as the Dominions had advanced, by one step to full responsible government was generally accepted. To reiterate reasons for a view adopted by Parliament, by every agent commissioned by Parliament to examine the subject, and also by the more responsible leaders of the Nationalist movement is unnecessary. Indian electorates trained to the task of assuming the final decisions which now rest on the British electorate were essential foundations of real responsible government. In the various Dominions such electorates were in visible being when responsible government was granted. In India they had to be created, and could not be called into being with a stroke of the pen. The essence of the problem was how to create them.

§ 10. To create electorates, to render the executive dependent on their votes, and yet to leave them irresponsible for the task with which the executives were charged was clearly no step in the direction of responsible government



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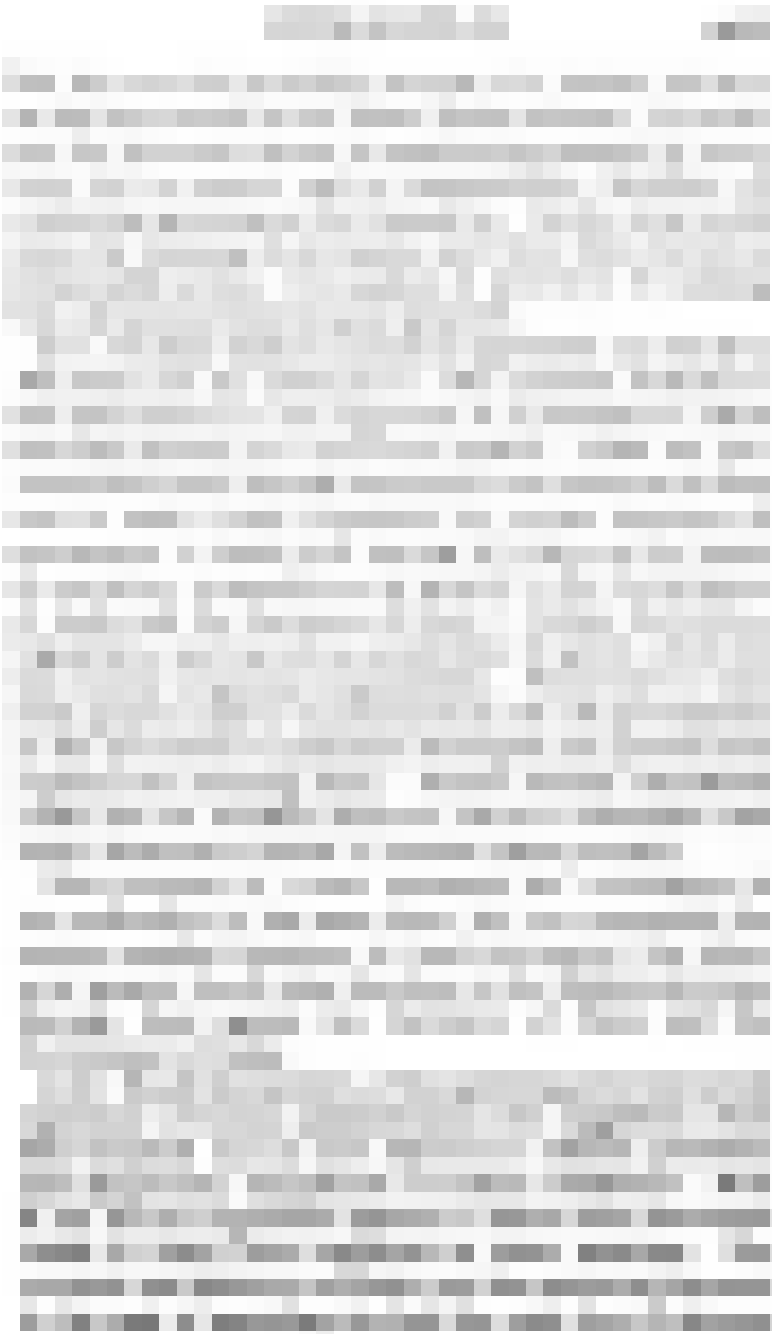
But this was the inevitable outcome of a further advance on the lines traced by the Minto-Morley reforms. It would give the electorates power to paralyse government at every turn, but no power, and no responsibility, therefore, of conducting government for themselves. Such a step would mean the training of electorates and those they elected in irresponsible action. On analysis it proved to be nothing but a step away from the goal proposed.

§ 11. On these further conclusions agreement was reached. But what was the alternative? The question reduced to this point led on to the suggestion of a principle to which the term dyarchy has since been applied. Could not provincial electorates through legislatures and ministers of their own be made clearly responsible for certain functions of government to begin with, leaving all others in the hands of executives responsible as at present to the Government of India and the Secretary of State? Indian electorates, legislatures, and executives would thus be given a field for the exercise of genuine responsibility. From time to time fresh powers could be transferred from the old governments as the new elective authorities developed and proved their capacity for assuming them. Powers already transferred could also be recalled whenever elective authorities had shown themselves unable to exercise them properly.

This proposal of course presumed the coexistence of two authorities in the same areas, the one responsible for certain specified functions to local electorates, the other, as at present, for all other functions to the British electorate through their agents the Secretary of State and the Government of India.

§ 12. By all the members of the gathering who had actual experience of Indian administration this suggestion when first broached was at once rejected as without precedent and dangerously inapplicable to Indian conditions. Most if not all the arguments against it which were afterwards raised in India were suggested at these meetings. The proposal was definitely set aside, and the gathering returned to the task of searching the field for some line of advance



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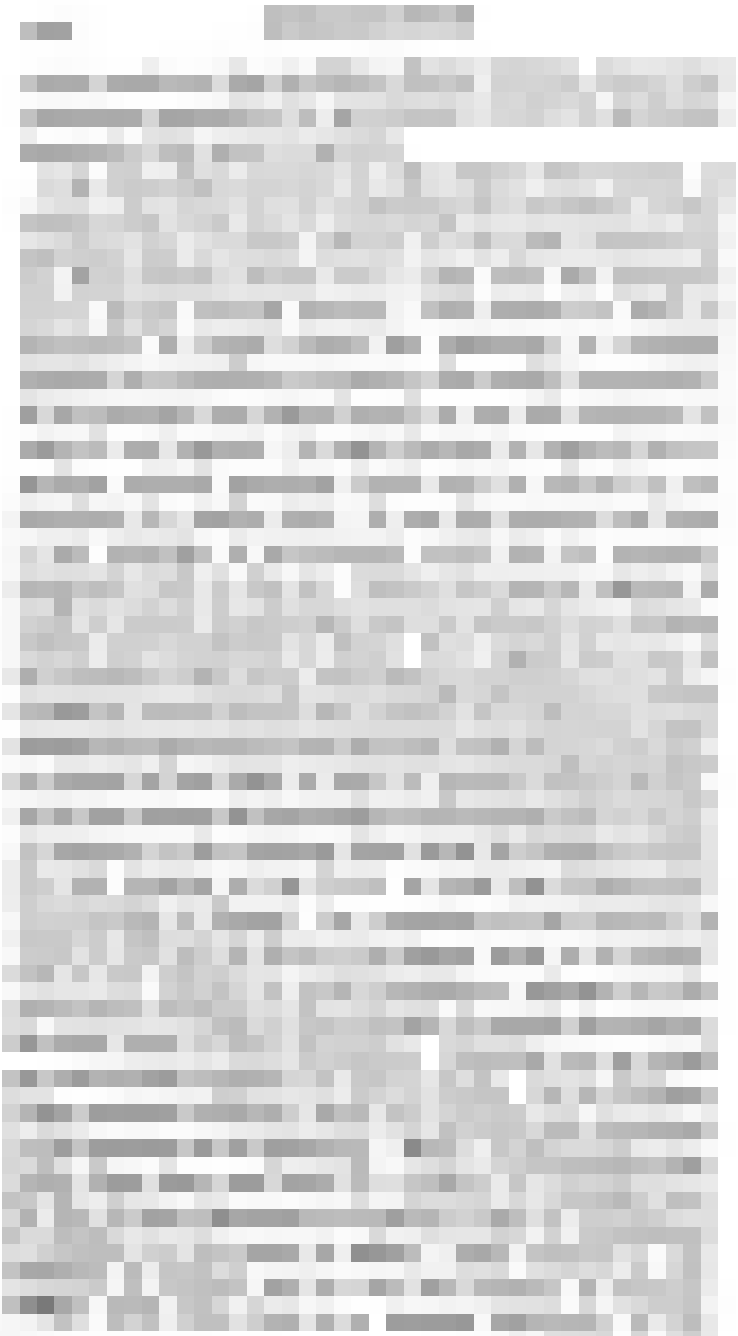
which would not, like the Minto–Morley reforms, mean that executives responsible for government would be gradually deprived of the power to govern.

§ 13. The efforts devoted to this object were barren of results, other than that of confirming the conviction of the searchers that a further advance on the path marked by the Minto–Morley reforms was a step over the precipice and a plunge towards anarchy. This failure to find an alternative at length forced the gathering to consider whether the objections to dyarchy were really insuperable. If the principle were indeed novel, so was the situation to which it was applied. It might further be argued that a problem without precedent could only be solved by an expedient of a similar kind. It was also pointed out that a new principle of government could not be properly examined if left in the air. Before the reasons against it could be tested, the principle must be reduced to a definite scheme and considered in detail. So I urged that one of the members of the group, with lifelong experience of Indian conditions, should assume the position of a technical expert charged by a government with the task of reducing a principle, for which he was asked to take no personal responsibility, to the best scheme his knowledge would enable him to shape. A response to this challenge came from Sir William Duke, the last member of the I.C.S. to hold the Lieutenant-Governorship of Bengal. As a member of the Council of India he still had the facts at his fingers' ends, so he undertook to see whether he could formulate a scheme for the government of Bengal on the principle of specific devolution, the term used in these discussions. Dyarchy, as we shall see, was a name applied to it later in India. So Sir William Duke produced a scheme, which was printed and circulated to the members of the gathering. With a workmanlike plan before them they were then in a position to consider how far the obvious objections to dyarchy could be minimized in practice to the point of safety. They retired to the seclusion of Oxford, and in the old bursary of Trinity College spent three days in a detailed discussion of Sir



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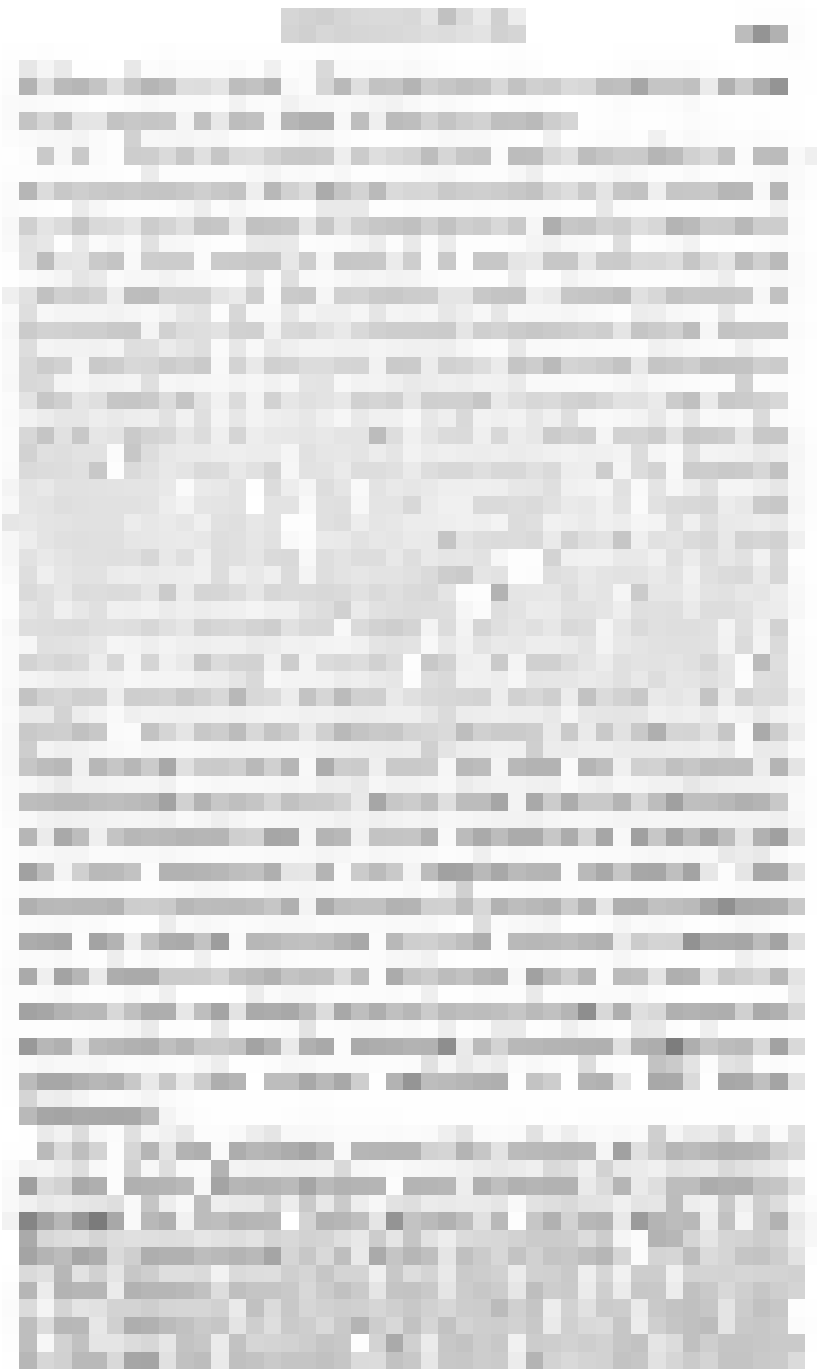
William Duke's draft. The draft was then completely recast by its author in the light of this discussion.

§ 14. With the results so reached and embodied in the memorandum now first given to the public in this volume, it is safe to say that none of the group were greatly enamoured. The best that could be said of it was that after the most careful analysis of the situation made during months of discussion, with the best technical information before them, they had failed to discover any less dangerous alternative. This experience is worth mentioning because it was afterwards repeated at every stage, both in India, and when the Reform Bill came up for final examination by the Imperial Government, and by the Joint Committee of Lords and Commons in London. Every responsible group of advisers in turn felt its novelty and its dangers. By some of them it was rejected with seeming finality. But when they came to examine the alternatives, either to leave the situation as it stood, or to change it on the line of other proposals, the dangers incidental to all these courses were found to be even greater. As with the informal gathering in London in the early months of 1916, they were all, with the exception of certain heads of provinces, driven back, however reluctantly, to the conclusion that the novel expedient of dyarchy was the least dangerous of the suggestions advanced. The alternative proposal of the heads of provinces was examined with the utmost solicitude by Lord Selborne's Committee in the light of evidence in its favour given by one of its authors, and was finally rejected as involving in a worse and more insidious form the principle of dualism alleged as an objection to the scheme embodied in the Bill before Parliament.

§ 15. In the ordinary course the scheme as formulated in the Duke Memorandum was intended for circulation amongst the Round Table groups in various parts of the British Commonwealth for study and criticism. The results of their labours would then have been sent to me and used in my treatment of the Imperial problem on its Indian side. In this case the document, like others previously circulated



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In view of references made to this scheme by an official witness before the Joint Select Committee,[1] it is as well to state why it never became public in this manner. Speaking in the House of Lords on December 12, 1919, Lord Crewe said,

> 'I hope I am committing no breach of confidence—and I do not know whether I very much care if I am—in saying that I know from personal knowledge that before Lord Chelmsford went out to India in 1916 he had become clearly convinced in his own mind, from conversations he had had with those competent to give opinions and from his own reflections on the matter, that it would be necessary at once to make an announcement of the character which was made in 1917—namely that this country was looking forward to an advance in India with responsible government as the goal.'

Lord Chelmsford was anxious before making such announcement to have in his mind some clear idea of the changes required to give effect to it. While he was governor of New South Wales, a Round Table group had been formed at Sydney, and hearing that this organization in London was studying the question of India he courteously asked to see the results. This was just after the completion of Sir William Duke's first draft. From Lord Chelmsford's request it was clear that he looked on the problem as one which required his early attention, and the meeting at Oxford felt that he might be embarrassed by the circulation at this juncture of novel ideas which they themselves regarded as purely tentative. On my friends' advice, I decided, therefore, not to circulate the memorandum to the Round Table groups, but merely to communicate it when revised in the light of the discussions at Oxford to Lord Chelmsford in response to his request.

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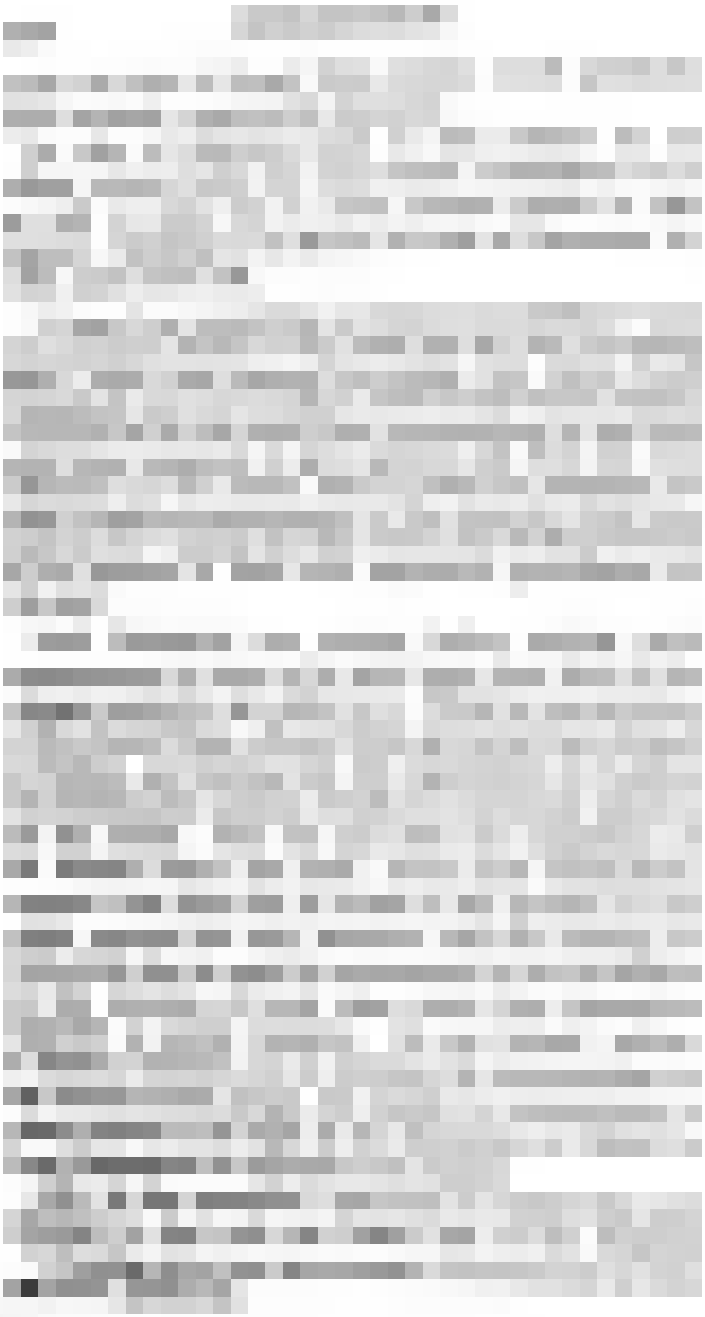

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'The incredible fact is that, but for the chance visit to India of a globe-trotting doctrinaire, with a positive mania for constitution mongering, nobody in the world would ever have thought of so peculiar a notion as that of "Dyarchy". And yet the Joint Committee tells us in an airy manner that no better plan can be conceived.'

A careful study of the report may suggest that the committee deserves this reproach less than its critic. Evidence was taken upon every aspect of the problem, and subsequent debates in the House showed that the opinions of members had been changed in the process. It is difficult to conceive inquiries more searching and impartial than those to which the principle of dyarchy was submitted. Whether it provides a real solution experience alone can show. It must first

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be tried; it is to be tried; and its warmest advocates will wisely hold their judgement in suspense till that trial is complete. The point which critics like Lord Ampthill have to face is that a succession of inquiries have led to the same point. So far as human intelligence has been able to foresee, in advance of further experience, the principle of dyarchy is the necessary outcome of the position as stated in the pronouncement of August 1917. For the purpose of the private inquiry above described, the principle of that pronouncement was assumed in 1915, and my own opinion is that any other set of inquirers, in seeking an answer to the question framed in this manner, would have reached and formulated the principle of dyarchy as the obvious solution. What matters, when a principle is suggested, is not whether it is new or old, still less who was the first to suggest it, but whether it is applicable to the problem in hand, or in plain words, whether the principle is a real one. The only final and conclusive test is to try it in practice. But no pains should be spared to detect counterfeit principles, not only before they are tried, but before the public is asked to consider them. An invention should not be placed on the market until it has been tested by every expedient available to the inventor. And one test is always available to those who advocate principles embodied in phrases. Their first business is to ask themselves how the principle would work out when applied in practice. And the answer should always be reduced to writing; for to estimate correctly the products of his own brain the thinker must make them objective. What right, for instance, has any one to air a phrase like 'self-determination' as a principle of political conduct, until he has asked himself how he would apply it to cases like Ireland, Ulster, the Aaland Islands, Newfoundland, Egypt, or the Southern States in the time of Lincoln? Submitted to these tests the phrase would be found to beg two questions in as many words, whether the community in question is a separate political unit, and if so whether it is entitled to determine issues affecting other political units as well as itself. It presumes the right of

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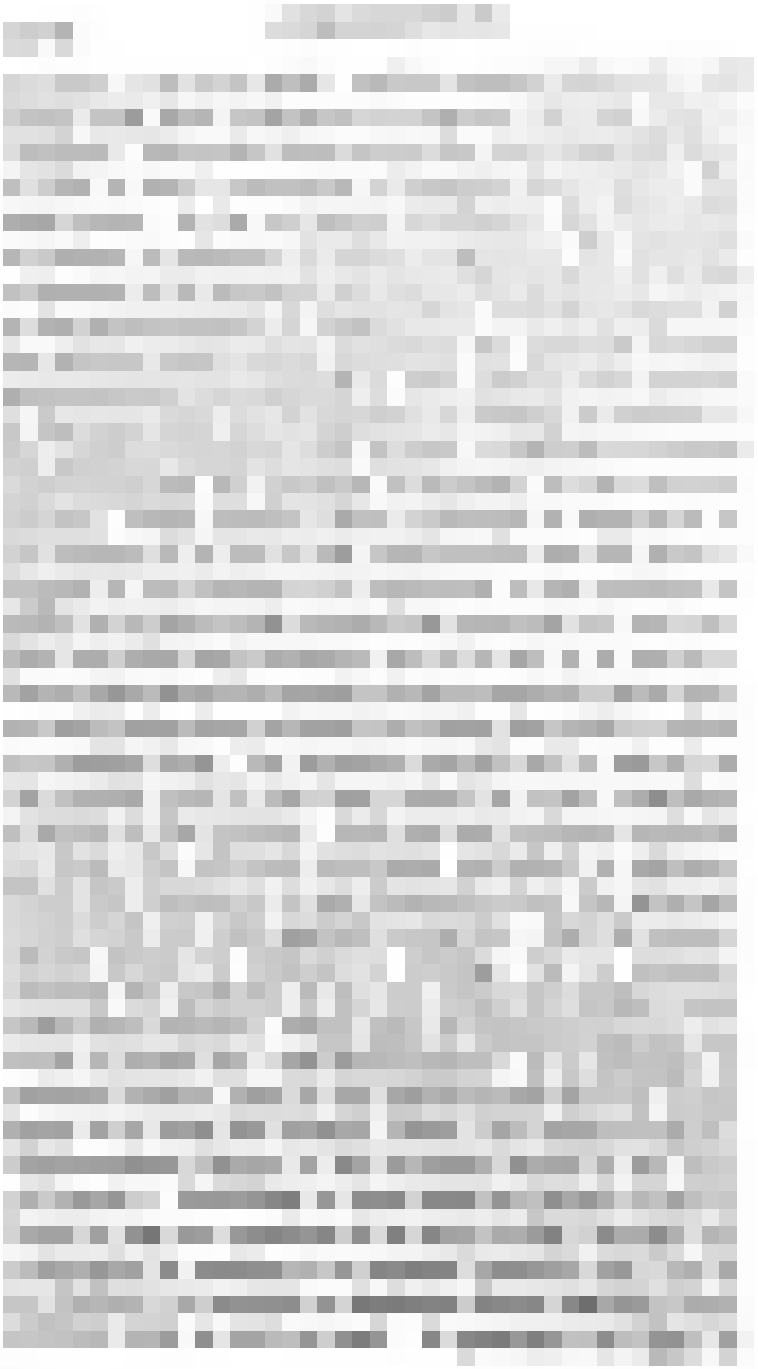

each to do as he pleases, regardless of the consequence to others, reduces the world to anarchy, strikes at the principle of freedom, and is in a word no principle at all. Before publicists advocate the rights of man, at least let them frame a schedule of those rights. What precipitate of genuine principle would President Wilson have found at the bottom of his fourteen points, had they first been submitted to this acid test? How often at Paris must he have wished that he had had them reviewed in the light of the facts before they were stated? Reluctance to face the labour involved in seeing how phrases sort with facts is responsible for human misery beyond measure. 'A froward retention of custom' is no greater impediment to progress than hypnotic catchwords clues patently false which lead whole nations into quagmires.

§ 18. But wherever new ideas relate to projects of constitutional reform, which cannot be brought into operation until reduced to the form of laws, the preliminary tests open to inquirers are far more effective. The first of these tests is to see whether a scheme of reform can be drafted on the principle proposed. The second is to see whether the scheme will bear drafting into a Bill. As readers of this volume will see, some care was taken to apply the first of these tests, and also to see that the facts were studied with some thoroughness. And not until this had been done were any results offered for public criticism. If any apology is due for these schemes it is not to Lord Ampthill, but rather to the public, that they were not before publication reduced by a legal draftsman to legislative form. The excuse must be that events were moving so rapidly that time was never available for this test.

II

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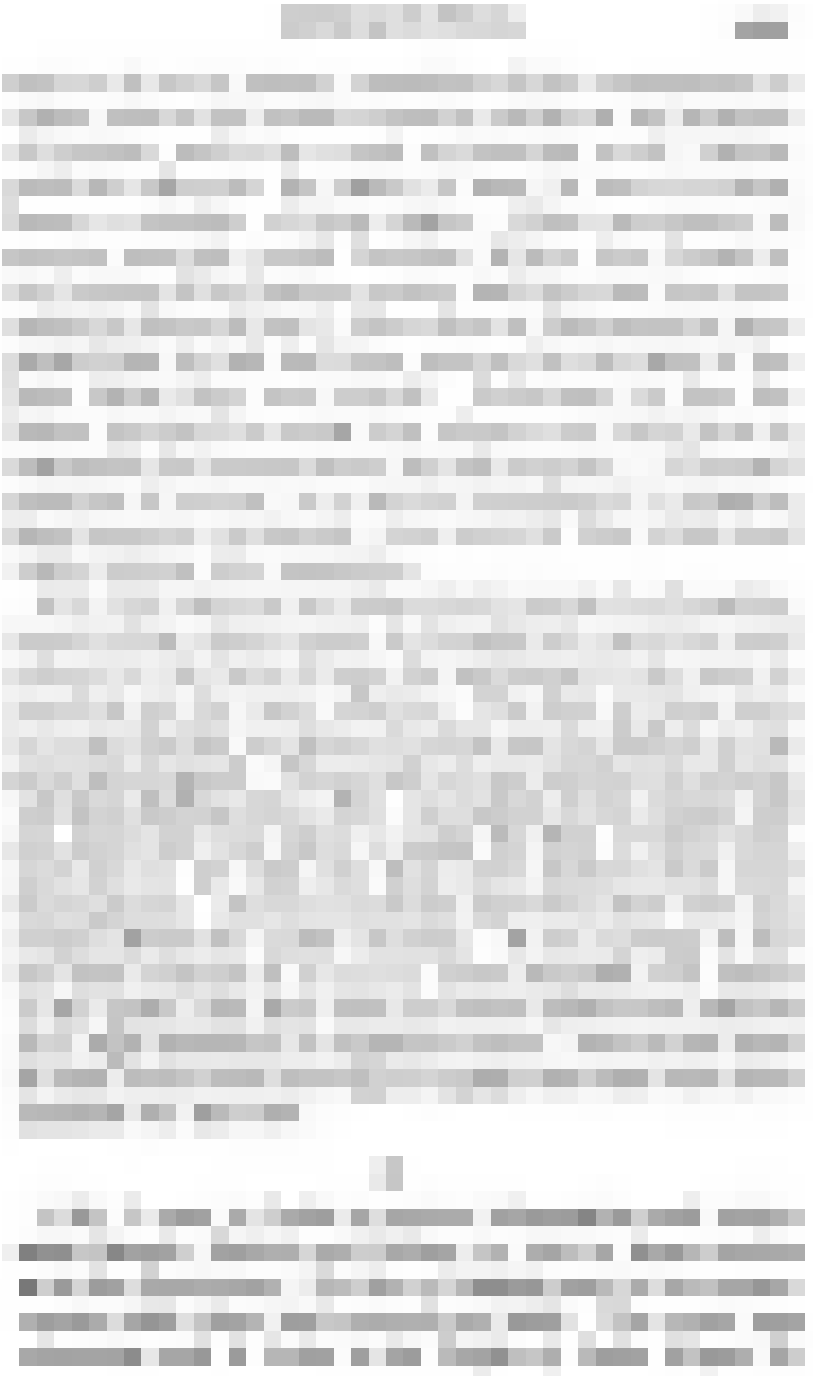

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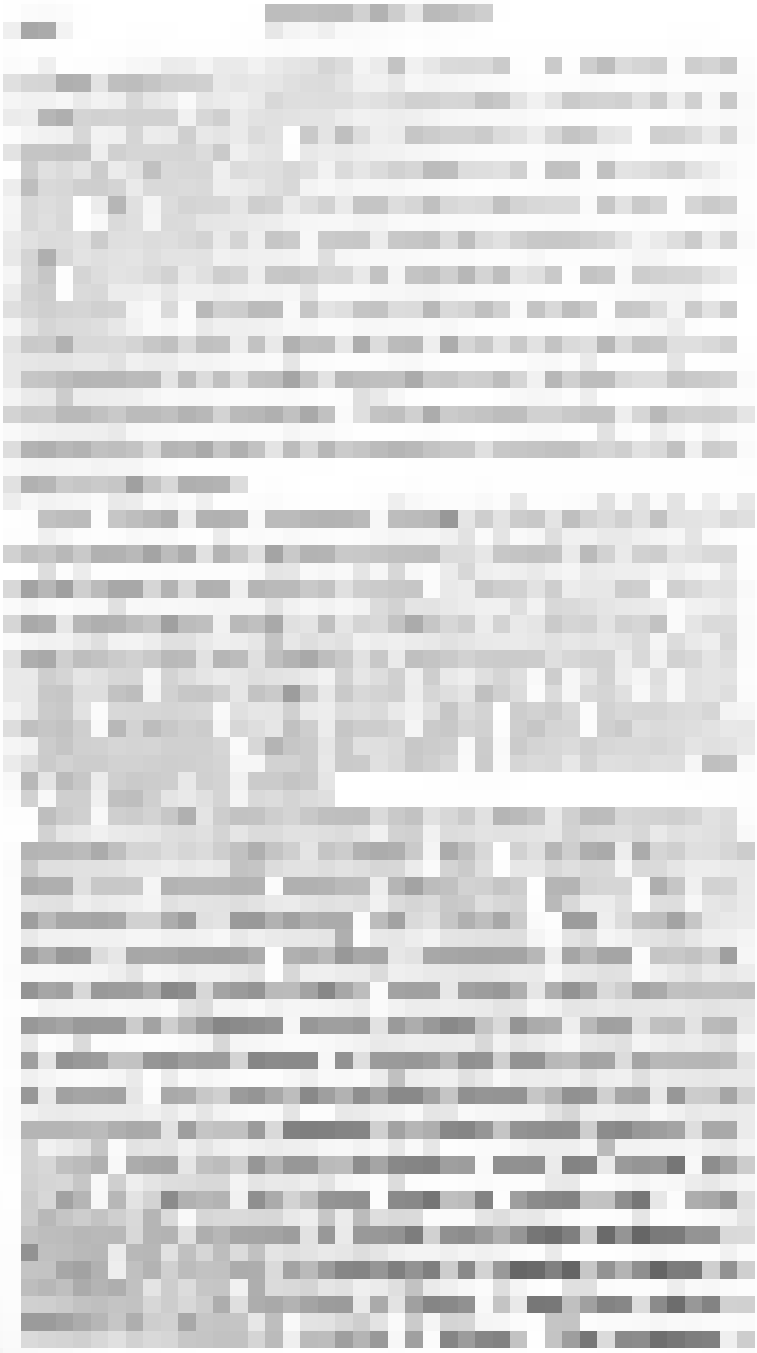

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III

§ 22. When I came to India I was fully prepared to find reasons why a line of constitutional development, which had everywhere else led to a deadlock might still be the best under Indian conditions. I was equally prepared to find the objections to dyarchy raised in England and reinforced with immense detail and knowledge in India, were indeed insuperable. It was nothing but a theory upon which to conduct research. But six months of inquiry on the spot only confirmed the conviction that a further advance on the path traced by the Minto-Morley reforms would lead to disaster. And no one was able to suggest an alternative less dangerous or difficult than dyarchy.

These impressions were at length brought to a head in a long conversation I had with Mr. Bhupendra Nath Basu, when the Indian Legislative Council of which he was a member was in session at Delhi. He was one of the authors of the Congress League scheme adopted at Lucknow in the previous December, in which the Nationalists called for a declaration that self-government was the goal of British policy in India, and defined the steps which they asked should be taken as the logical outcome of the Minto-Morley reforms. My case was that if the Congress and League meant responsible government, their scheme was a step in the opposite direction. I then suggested the principle of dyarchy and sketched a scheme for applying it.

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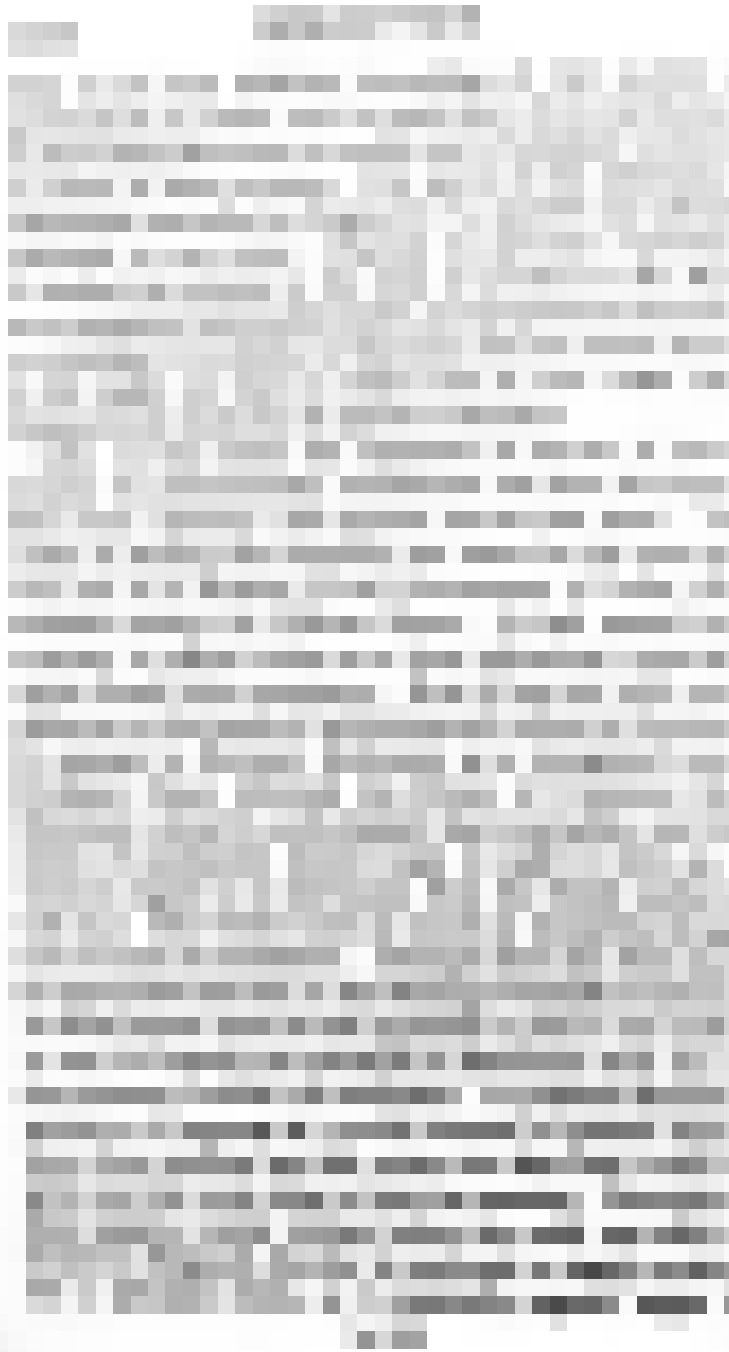

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In studying the mechanics of government I had from the nature of the case to rely largely on information furnished by Indian Civil Servants who are masters of the subject. Officials had every reason to regard me much as the Agents of the Company in the eighteenth century regarded an interloper. Yet at every turn members of this body, so often represented as an engine of pure reaction, placed their knowledge and sorely-burdened time at the service of the task upon which I was engaged. Without that assistance neither this letter nor the four papers which follow it could have been prepared; and this was conspicuously true of the Joint Address drafted in Calcutta. The point is not how far members of the service agreed with the doctrines set forth in these papers, though some of them afterwards came to do so. The point is that they thought that these doctrines, however contrary to their own ideas or professional interests, ought to be considered on their merits, and willingly afforded the assistance, information, and advice without which the writer could scarcely have given them a shape which deserved such consideration.

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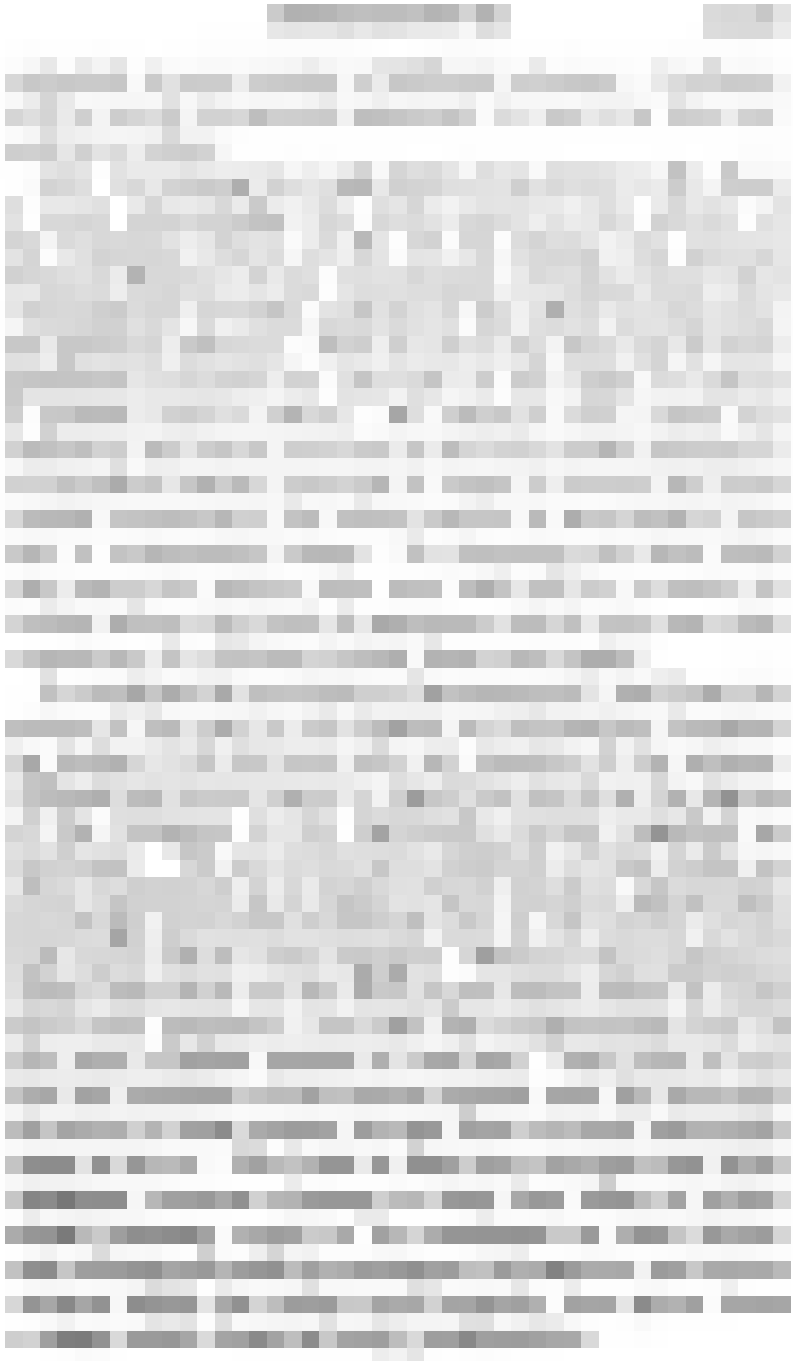

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§ 27. The letter was dispatched to Mr. Basu early in April. A number of copies were then typed and sent for criticism to various friends, British and Indian. But the applications for further copies became so numerous that it had to be printed after the circulation of Paper IV in its original form. Paper IV was originally called 'Indian Studies No. 1'. So the letter when printed was called 'Indian Studies No. 2'. These numbers have no further significance, so the letter is here printed in the order in which it was composed.

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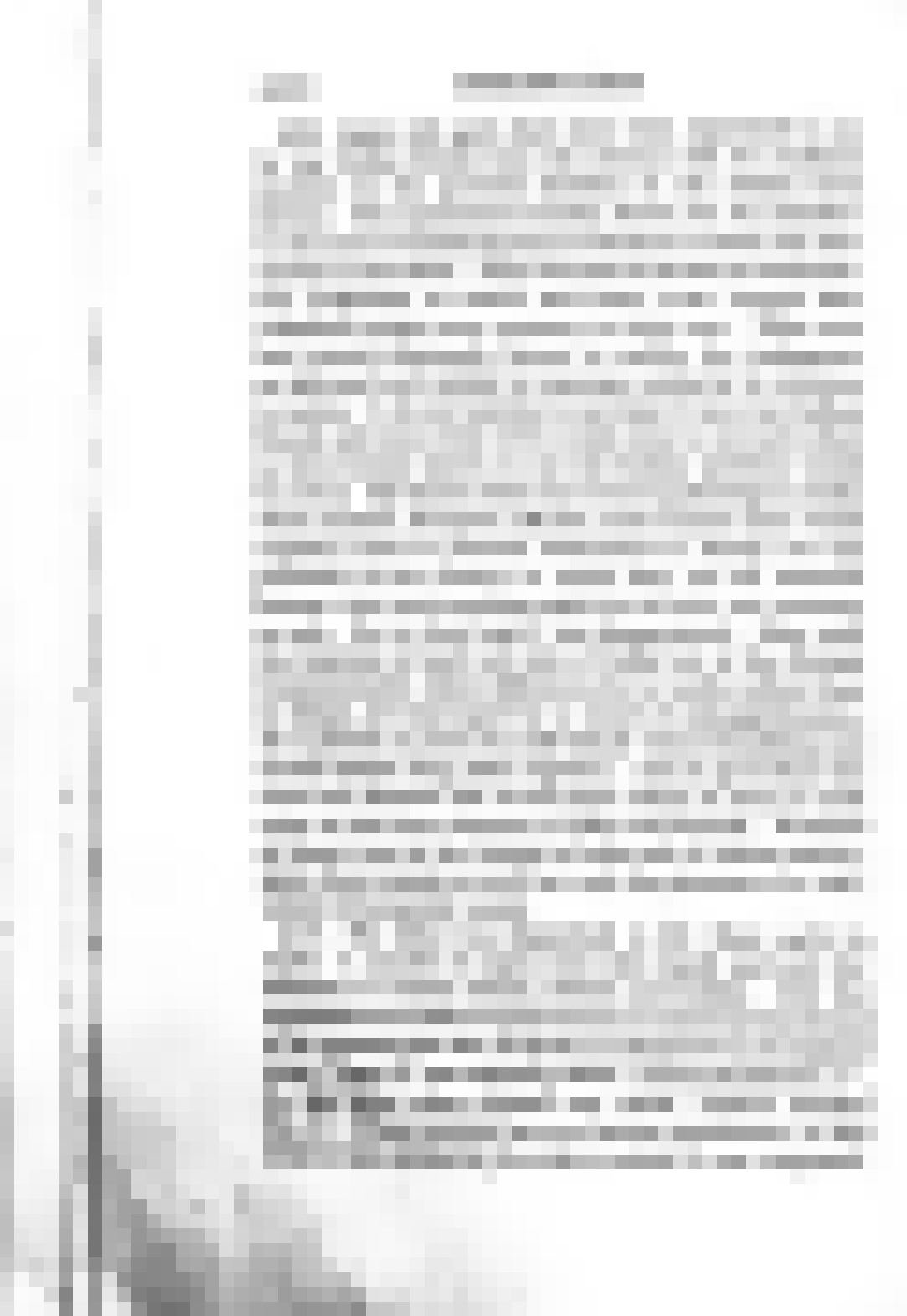


Comments on the Letter to Mr. Bhupendra Nath Basu

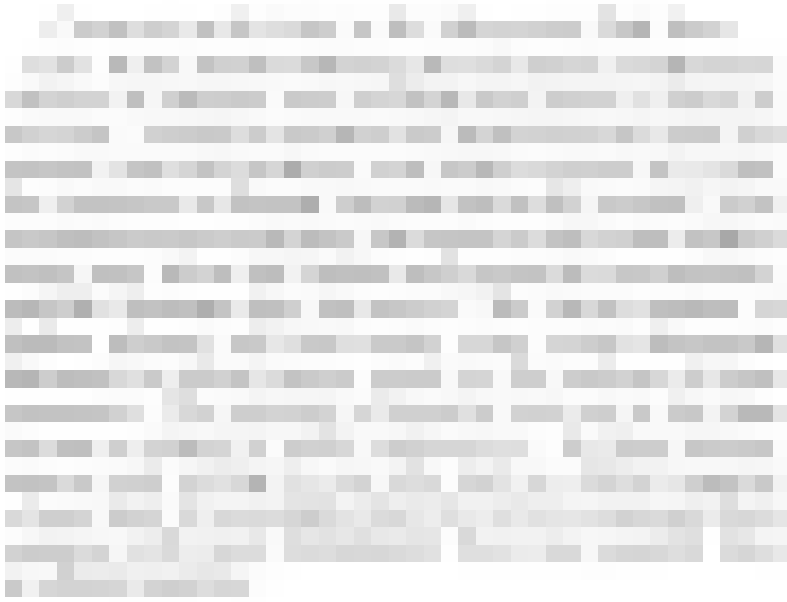
§ 28. In the months following the circulation of this letter volumes of criticism were received from those to whom it was sent. In July a selection was made from the mass and printed, with the prefatory note which appears on p. 125, for circulation to friends who had taken this trouble. This circulation never took place, but copies as well as the original letter were before the Indian and provincial governments, and Mr. Montagu after his arrival. The future student of Indian reforms will find nearly every point afterwards discussed in official papers raised by the authors of these comments. The principle of dyarchy had not at the time become a subject of public controversy. In these circumstances and writing to one who had no official capacity of any kind it is probable that the writers expressed their opinions with more detachment than was possible later in official inquiries.

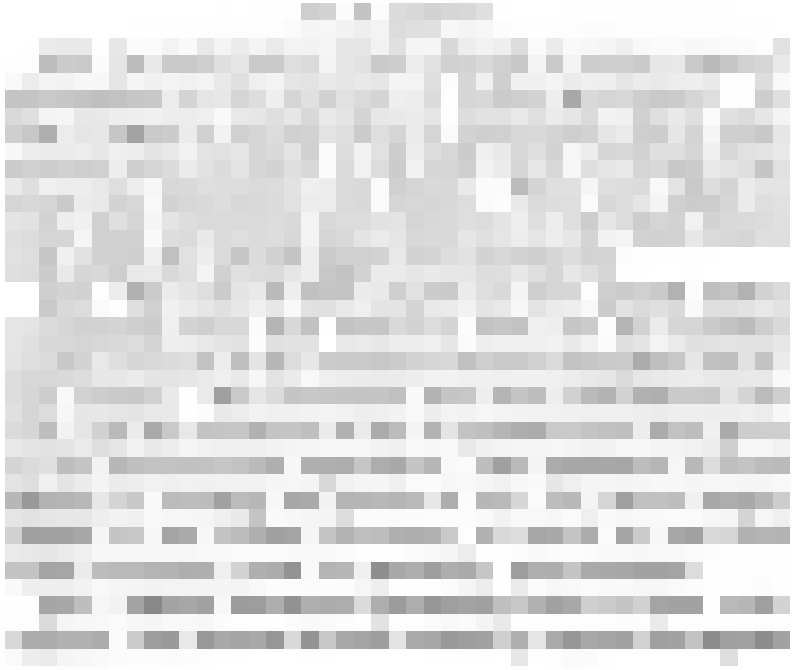
IV, V, and VI

§ 29. As stated above I had collected in notes a mass of information on the structure of Indian government. In May I began to embody them in memoranda which, when printed, were circulated to the wide circle of friends from whom the information was drawn. They were asked to write their corrections and comments on the blank leaves with which the printed pages were interleaved.

§ 30. The text of these papers as now printed differs considerably from that issued in 1917, for the excellent quality of much of the comment received compelled wholesale revision. The corrections have been embodied in the text, and the comments so far as possible have been given in the footnotes and appendices. The assistance of Lord Meston in revising the proofs of No. IV, which largely relates to the United Provinces, of which he was then Lieut.-Governor, must be gratefully acknowledged.

§ 31. Official literature concerning India is most voluminous. But because it is all written by experts for experts





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IV, V, and VI

§ 29. As stated above I had collected in notes a mass of information on the structure of Indian government. In May I began to embody them in memoranda which, when printed, were circulated to the wide circle of friends from whom the information was drawn. They were asked to write their corrections and comments on the blank leaves with which the printed pages were interleaved.

§ 30. The text of these papers as now printed differs considerably from that issued in 1917, for the excellent quality of much of the comment received compelled wholesale revision. The corrections have been embodied in the text, and the comments so far as possible have been given in the footnotes and appendices. The assistance of Lord Meston in revising the proofs of No. IV, which largely relates to the United Provinces, of which he was then Lieut.-Governor, must be gratefully acknowledged.

§ 31. Official literature concerning India is most voluminous. But because it is all written by experts for experts

it is for the student, whose life has been spent elsewhere not equally informing. For one thing, official parlance is full of terms which contain no clue to their real meaning. The Reports of the Royal Commission on Decentralization in 1909 and of the Civil Service Commission issued in 1917 covered the whole structure of Indian government. From a study of these volumes, however, the outsider would find it difficult to get such a grasp of the subject as would enable him to describe with insight and lucidity the machinery of Indian government to an English public school. To this rule the Montagu–Chelmsford report is a brilliant exception. But it was not available then. In my own experience I found that the only way to master the subject was by questioning the men who worked the mechanism. And even so, as the notes to these papers show, the accounts given are sometimes difficult to harmonize; for practice varies not merely in provinces but also in divisions and districts. If these papers have any value for ordinary readers it arises from the fact that they are not written by an expert but by one who had to discover the facts and explain them to himself. They give, as I hope, an intelligible and accurate picture of the system as it was before the reforms were introduced. Such a picture is obviously necessary for an understanding of the changes effected.

VII

§ 32. On August 20, 1917, the famous pronouncement was made in the House of Commons, defining the goal of British policy in India. The operative words used were 'responsible government', not 'self-government', as demanded by the Indian National Congress and the All-Indian Muslim League. I had advocated this change in *A Letter to the People of India*,[1] but there is no reason to suppose that the pamphlet had been seen by or had influenced the authors of the pronouncement. The Imperial Cabinet was quite capable of discovering for itself the danger of relying on a formula

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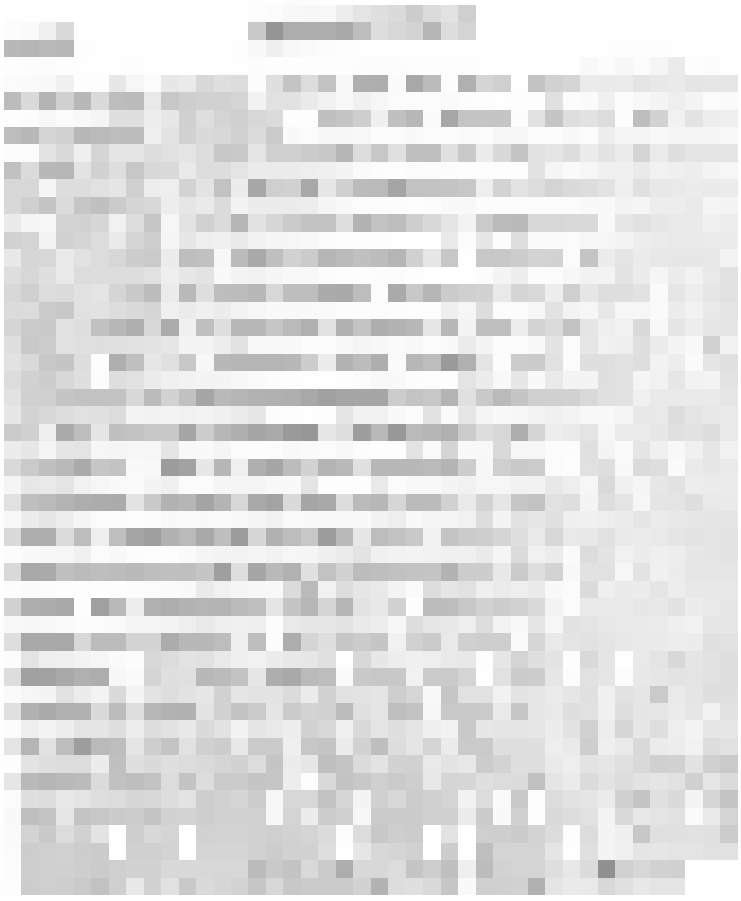

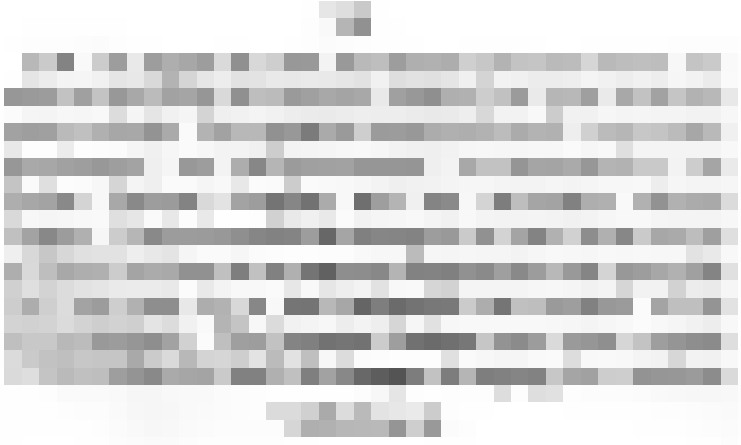

acceptable to the various parties because it could be made to cover policies which had really little in common. The same conclusion arrived at by different people may be evidence that both have been able to consider the question on its merits.

§ 33. A statement of policy at once final and clear was ultimately fatal to any further advance on the lines of the Minto–Morley reforms, though Nationalist leaders were slow to realize that its implications could not be harmonized with their own scheme. The immediate effect, however, was a controversy in the British and Indian press, conducted in Bengal with a bitterness endangering public order. Differences are always easy to emphasize, but some moderate Indians and Englishmen decided to attempt the more difficult task of finding matter for agreement. They invited my assistance in drafting a basis.

§ 34. Ultimately twelve points of agreement were settled and signed by sixty-four Europeans and by ninety Indians. These together with an address suggesting in outline a scheme of reforms based on the twelve points were submitted to the Viceroy and to Mr. Montagu on his arrival at Delhi. When they came to Calcutta to receive deputations, the attendance of the signatories was invited. The occasion was brightened by the gleam of humour, seldom absent from Anglo-Indian solemnities, and the writer still cherishes the legend officially hung on the walls of the waiting-room—'Miscellaneous body of Indians and Europeans'. To no deputation at that moment could a greater compliment have been paid.

To draft proposals on the basis of my previous studies was a simple task. The real achievement lay in the signatures obtained by the authors of the movement. I cannot from memory give a full list of those who took part in the conferences at Darjeeling and Calcutta where the twelve points were settled. Sir Krishna Gupta, Mr. P. C. Mitter, Mr. S. R. Das, Mr. B. C. Mitter, Dr. Suhrawardy, Mr. Bijoy Chatterjee, Mr. K. T. Paul on the Indian side, and Mr. Arden Wood, Mr. Pickford, and Mr. Anderson on the British side, were amongst the number. The present Lord Sinha, as

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a member of the Government, was unable to sign the address, but his house at Darjeeling afforded an ideal meeting place for the first gatherings, and the knowledge, firmness, and tact which he showed as their chairman laid the foundations of their ultimate success. In bridging the gulf between Europeans and Indians, Colonel Pugh revealed a positive genius for conciliation. He steered the movement with consummate skill.

§ 35. The original promoters desired that representative members of all the races and religions concerned should have an opportunity of affixing their signatures before the address was presented and published. But their purpose was frustrated by the laxity which pervades European no less than Indian circles in that country. A number of copies were in circulation during the discussions, and the text was modified from time to time to meet difficulties raised by this and that individual signatory. An obsolete copy was obtained and published by a journalist. The text as agreed by the signatories had therefore to be published by them; whereupon some spokesmen of the Congress on the one hand and of the European Association on the other took it upon themselves to declare pontifically that members of either body were precluded from signing the address whatever their private views might be. But for this incident the address might have reached the Viceroy and Secretary of State with signatures from all parts of India and not merely from Bengal. But nothing could alter the fact that in a province where feeling was most acute Hindus, Moslems, and Christians of both races had come together on common ground in the cause of better government for India, at the moment when Russia had collapsed, the Austrian armies were sweeping the Italians before them, and the fate of the British Commonwealth and its allies hung in the balance. Such was the moment chosen to embarrass an attempt to find common ground for two sections of British subjects who were drifting into dangerous antagonism. It cannot be said too often that the kind of journalism which in critical times refuses to respect the

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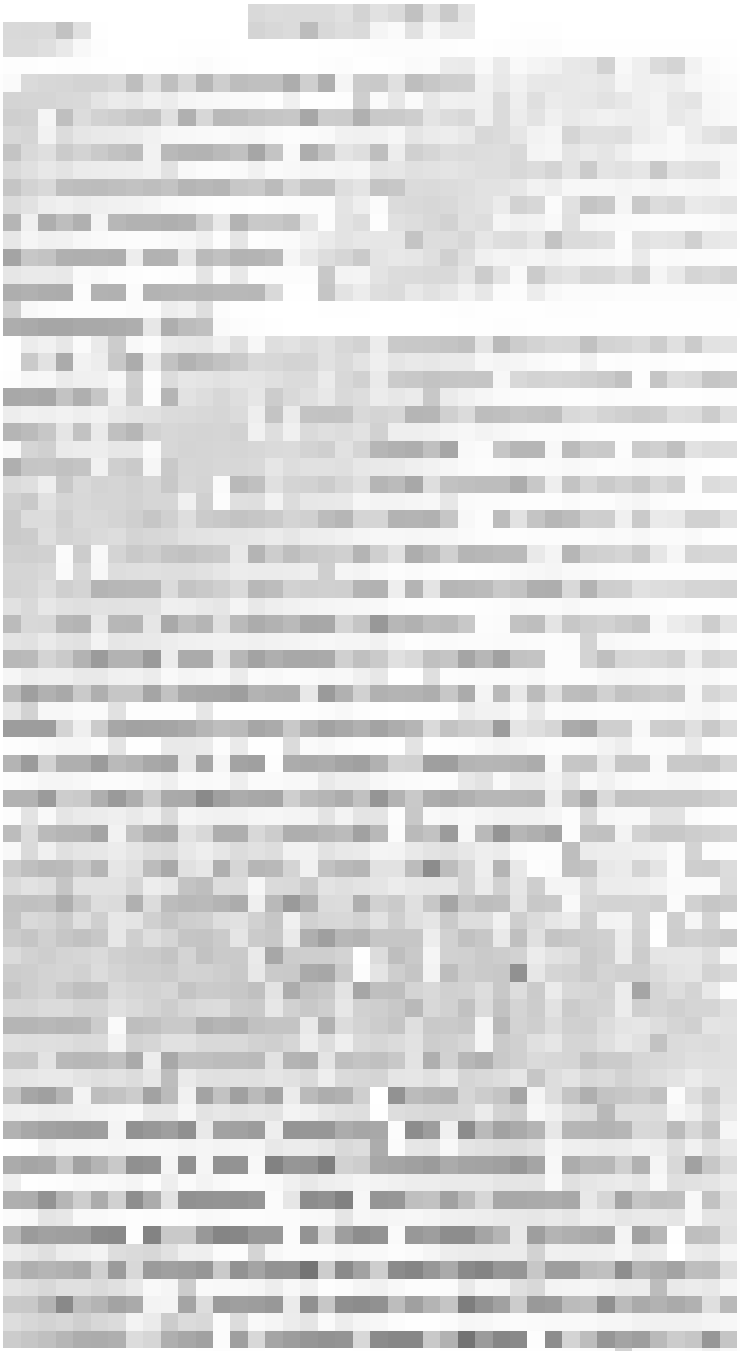

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VIII

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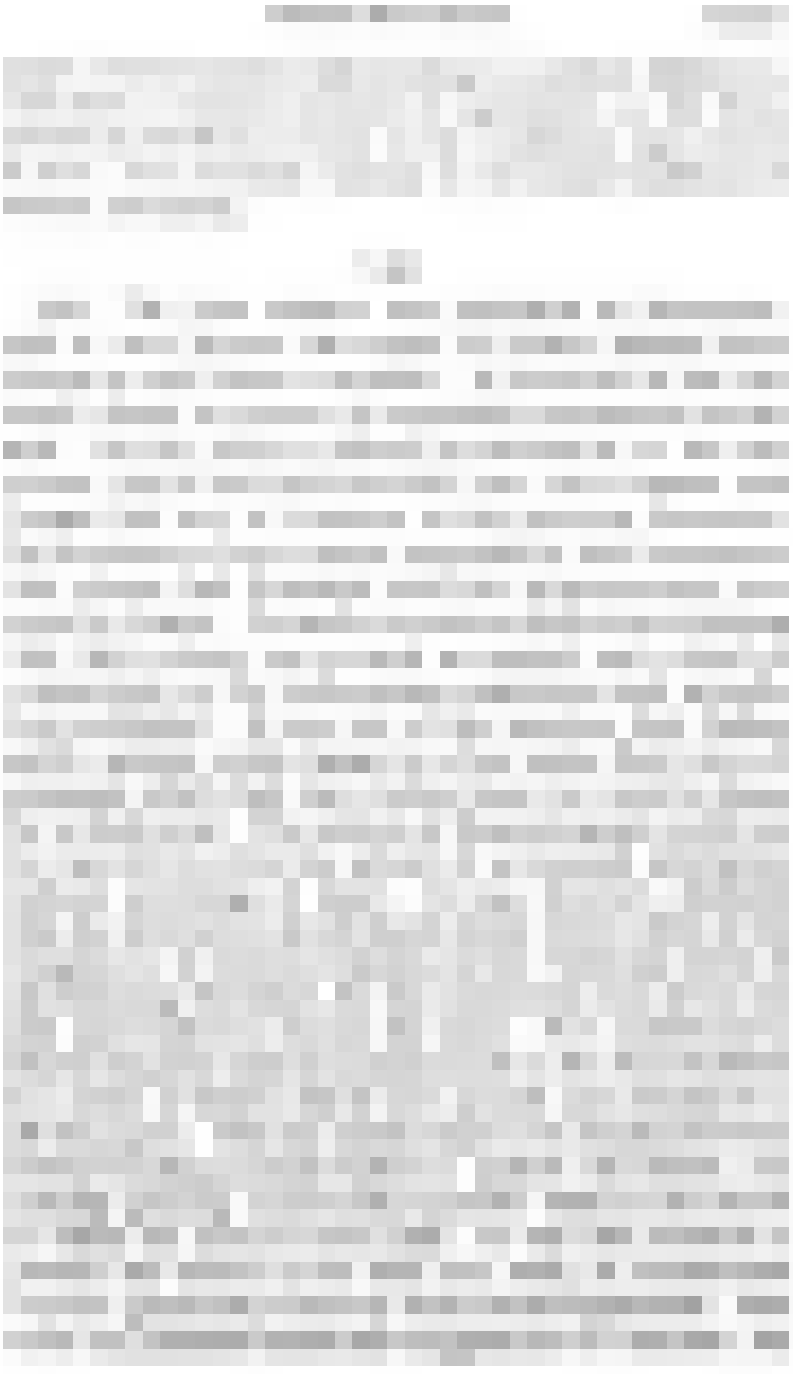

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Previous engagements again prevented me from accepting a second invitation from His Highness of Alwar, with equal regret for a similar reason. But a third invitation from the Maharaja of Patiala found me at liberty. At Patiala I met Nationalist leaders from all parts of British India, and ministers of native states gathered to meet the Princes. These meetings are memorable as the first occasion upon

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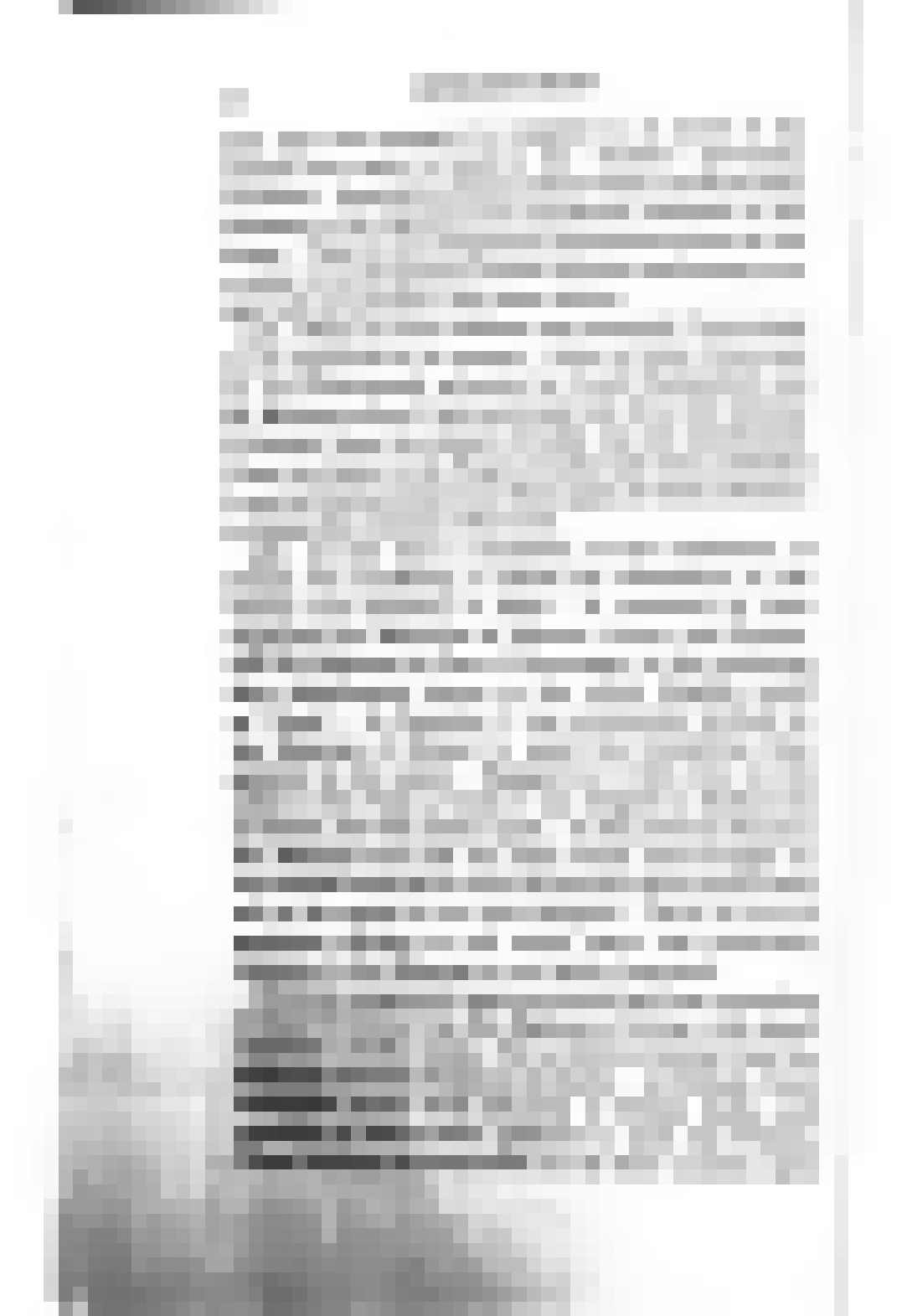

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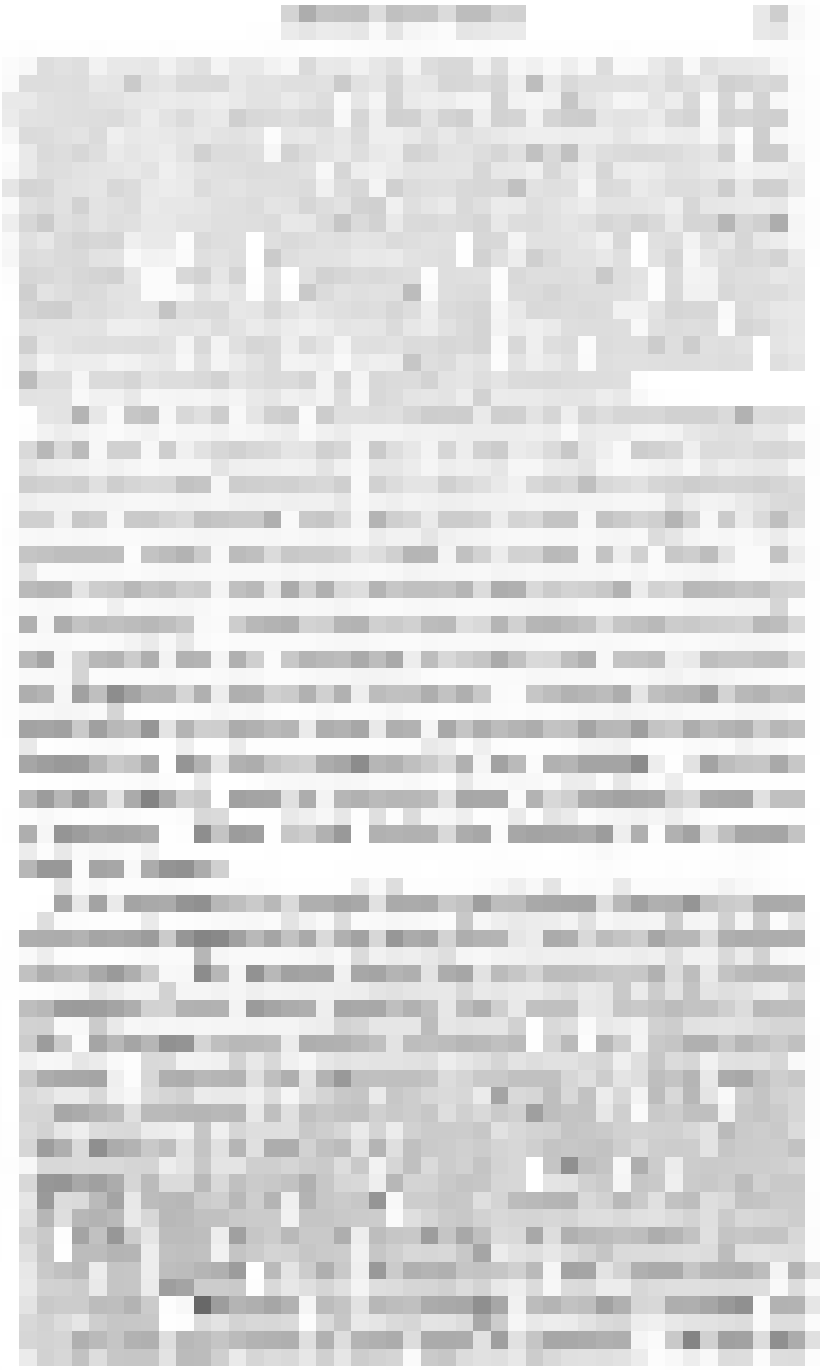
It is necessary to record these particulars because it was afterwards suggested in the press that I had actually drafted the report. My prompt denial has not prevented a further complaint from many quarters that Lord Chelmsford and Mr. Montagu were unduly influenced by an irresponsible tourist. Beyond the arguments contained in these papers, I had no influence to wield either in England or India, where the opinion of all parties as publicly expressed was directly opposed to the principle I advocated. With the exception of Lord Chelmsford himself I was possibly the only person in India with first-hand knowledge of responsible government as applied in the Dominions to the institutions of provinces. Whether my knowledge of India entitled me to advance any views is more open to question. Of this the



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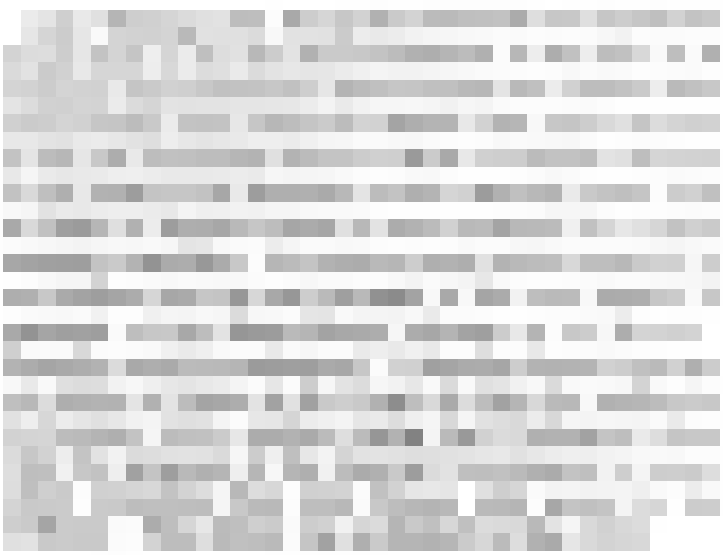

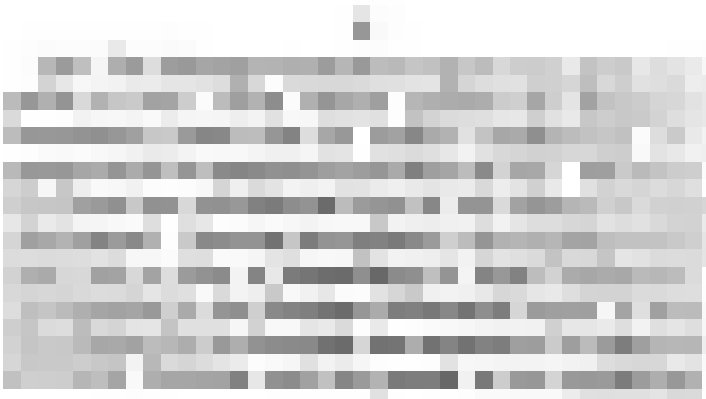

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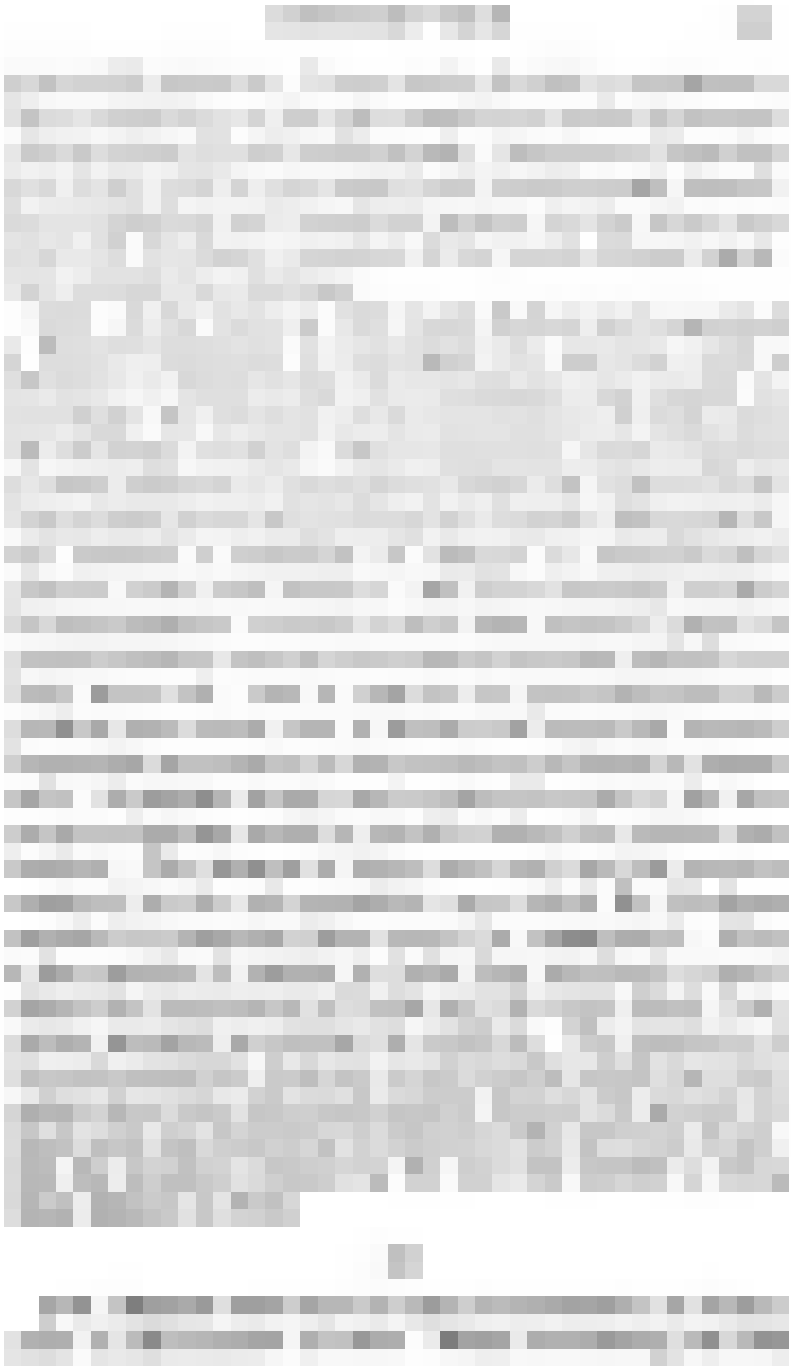

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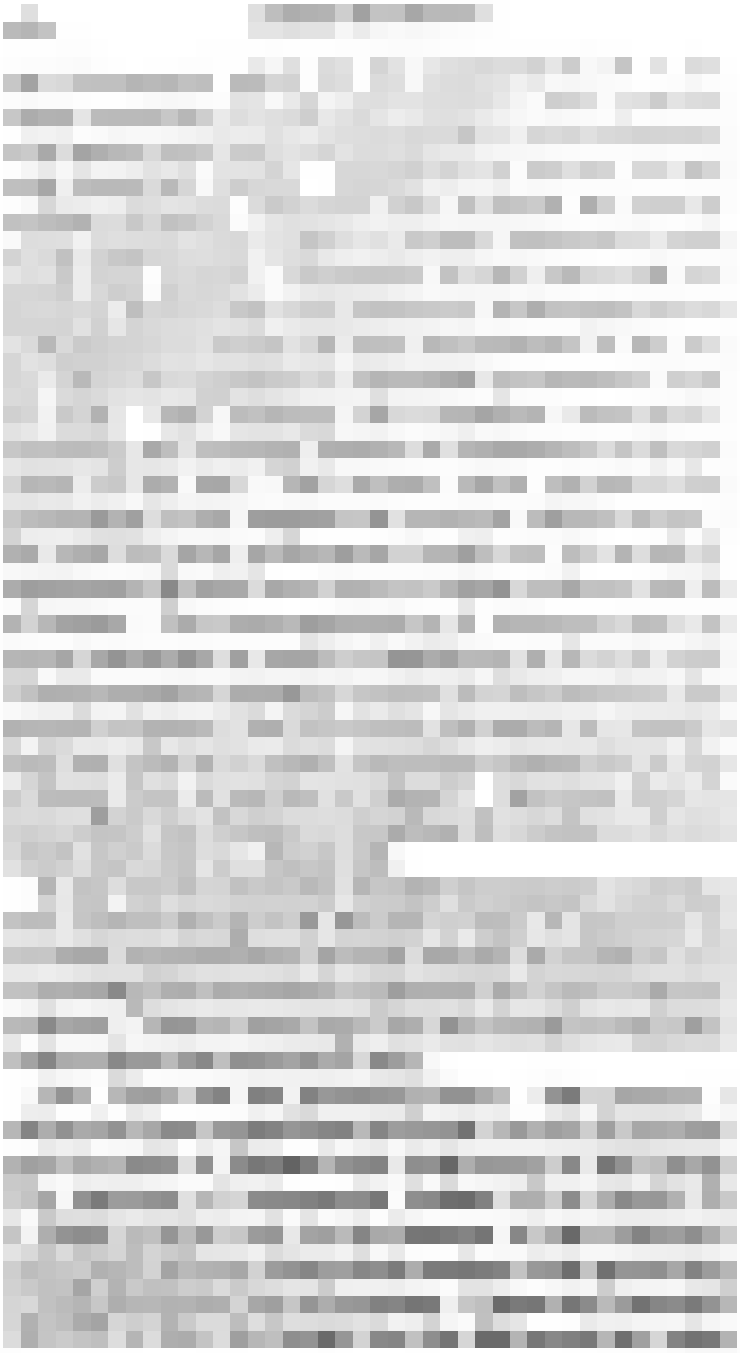

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§ 45. If other evidence were wanting this paper would show that I had had no hand in drafting the Montagu Chelmsford report. With its argument against the principle of the Congress League scheme I was altogether at one. The gist of my criticism is that the recommendations are largely at variance with that argument. To ministers responsible to the legislature and electorate, certain functions together with the powers necessary to discharge them were to be transferred. To the Governor-in-Council all other functions, including the maintenance of order, were to be reserved; but without unquestionable power to enact whatever laws he might find necessary to discharge them. To the powers so reserved was applied the principle of divided responsibility, which in the first part of their report, its authors had found unanswerable reasons to condemn.

§ 46. Parliament, on the advice of Lord Selborne's Committee, removed this blemish by vesting in the governor final and unmistakable powers to enact by ordinance measures which the Legislative Council may refuse to pass in the shape required. This averts the certainty of dangerous deadlocks between the executive and legislature, and establishes the position that, in the sphere of the reserved powers the elected councils are advisory only.

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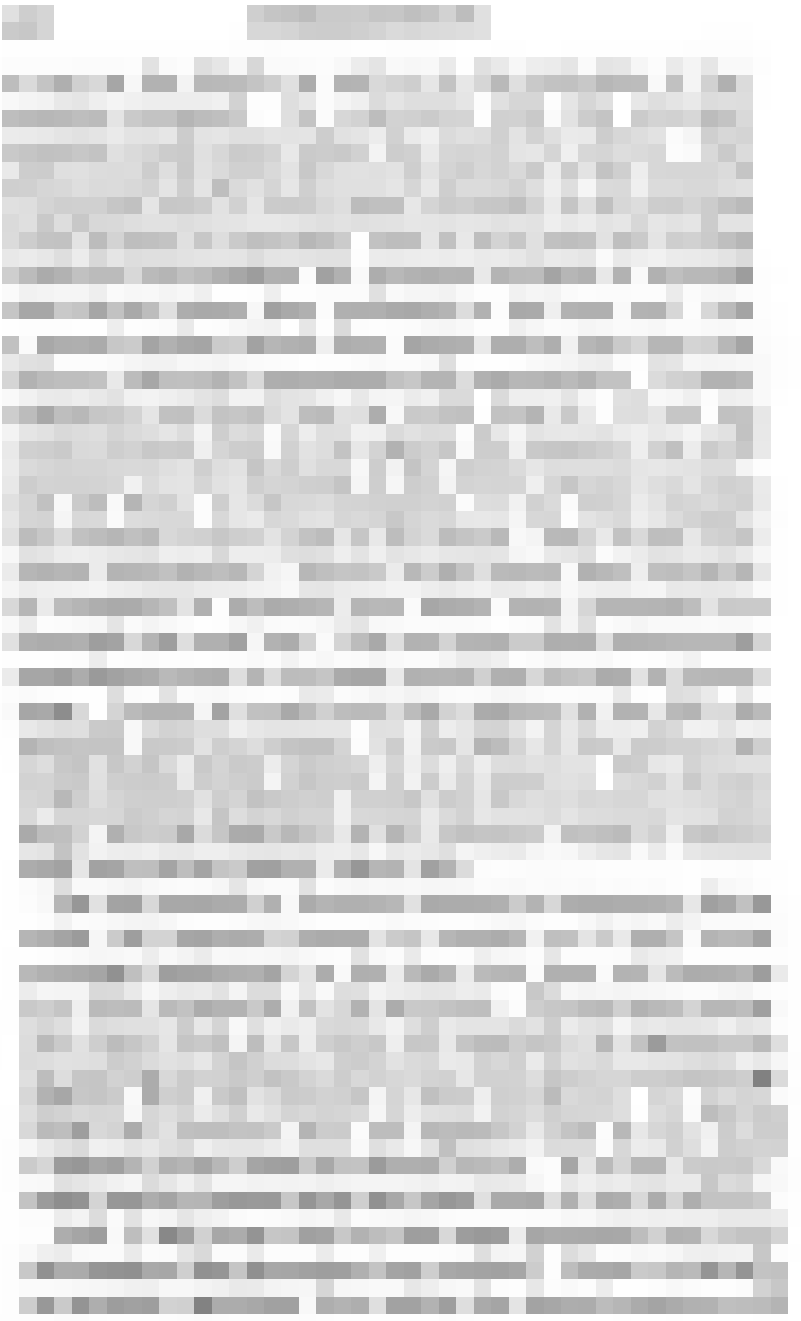
§ 47. Personally I regret that the Committee did not prescribe a procedure frankly in harmony with the principle that the governor legislates on reserved functions, but only after listening to anything which the elected councils have

to say on the details as well as on the principles of the measures proposed. In conformity with this principle measures would come before the council for advice. The advice would be given first on the principle of the measure as proposed, then on every detail, and lastly on the principle of the measure as amended. But on each point the council would be told whether the governor accepted or rejected their advice before they proceeded to the next one. On a second reading debate they might advise him that the Bill as a whole was unnecessary and unacceptable. If their arguments convinced him he would drop it. If not he would intimate that in his opinion the measure was still necessary for the discharge of the duties imposed on him, and ask them, on that assumption, to say what changes they wished to have made in the details. They would next advise amendments; and he would inform them whether he accepted or rejected each before they proceeded to formulate the next one. The text upon which subsequent amendments were to be based would thus be clear at every stage. Lastly he would ask their opinion on the Bill as amended with his consent. In the light of that advice he would finally decide whether or no to enact it. The advice of the popular spokesmen would thus be on record at every stage, and the decisions of the governor would be taken with that advice plainly before him.

The old practice is, however, retained of submitting Bills under the reserved powers to councils as if they were sovereign legislatures, in the hope that they will emerge in a form acceptable to the governor. The governor may then reject them as a whole, and supersede the legislature by enacting an ordinance of his own, which may be something different from the measure as first introduced. In plain words the governor may not legislate until he has had a definite quarrel with the elected council. It is then superseded, and no further steps are taken even to ask its advice.

§ 48. I still hope that at this stage governors may try the merits of the procedure here outlined. There is nothing to prevent a governor from asking the elected members to



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meet him informally and to give their opinion on every clause, or from telling them whether he accepts or rejects it before asking their advice on the next one. If the text of an ordinance is settled in this manner the electorate will then feel that the governor has only decided against them after listening to what their spokesmen have to say on every detail. The East is used to decisions made from above. Indeed it is used to little else. But the right to be heard on every detail is dear to their hearts, and rightly so. The difficult art of deciding issues for themselves must be learned in the region of the powers transferred to the legislative councils.

§ 49. It is, however, an immeasurable gain that Lord Selborne's committee secured to the governors real power to enact the legislation required to give effect to the duties imposed on them; a power beyond question denied in the scheme as first submitted to Parliament. The strongest part of a strong report is that in which the Joint Committee affirm with emphasis that the legislative powers vested in the governor are meant to be used. There is real danger that this essential feature in the scheme may be allowed to evaporate in practice. As one of the critics points out[1] the rules framed to give effect to the Minto-Morley reforms required that every resolution of the legislative councils should be 'in the form of a specific recommendation addressed to the local government'. It was clearly intended that local governments should have before them an expression of public opinion, give effect to it if advisable in the public interest, but if not refuse to do so and give their reasons. The proper course would have been to forbid officials to vote on such resolutions, leaving them to stand as clear expressions of opinion from members representing the public. But the nerve of Government failed, and so fearful was it of being confronted with unwelcome resolutions that officials were ordered if possible to vote them down. Official members were thus presented in the guise of a political party.

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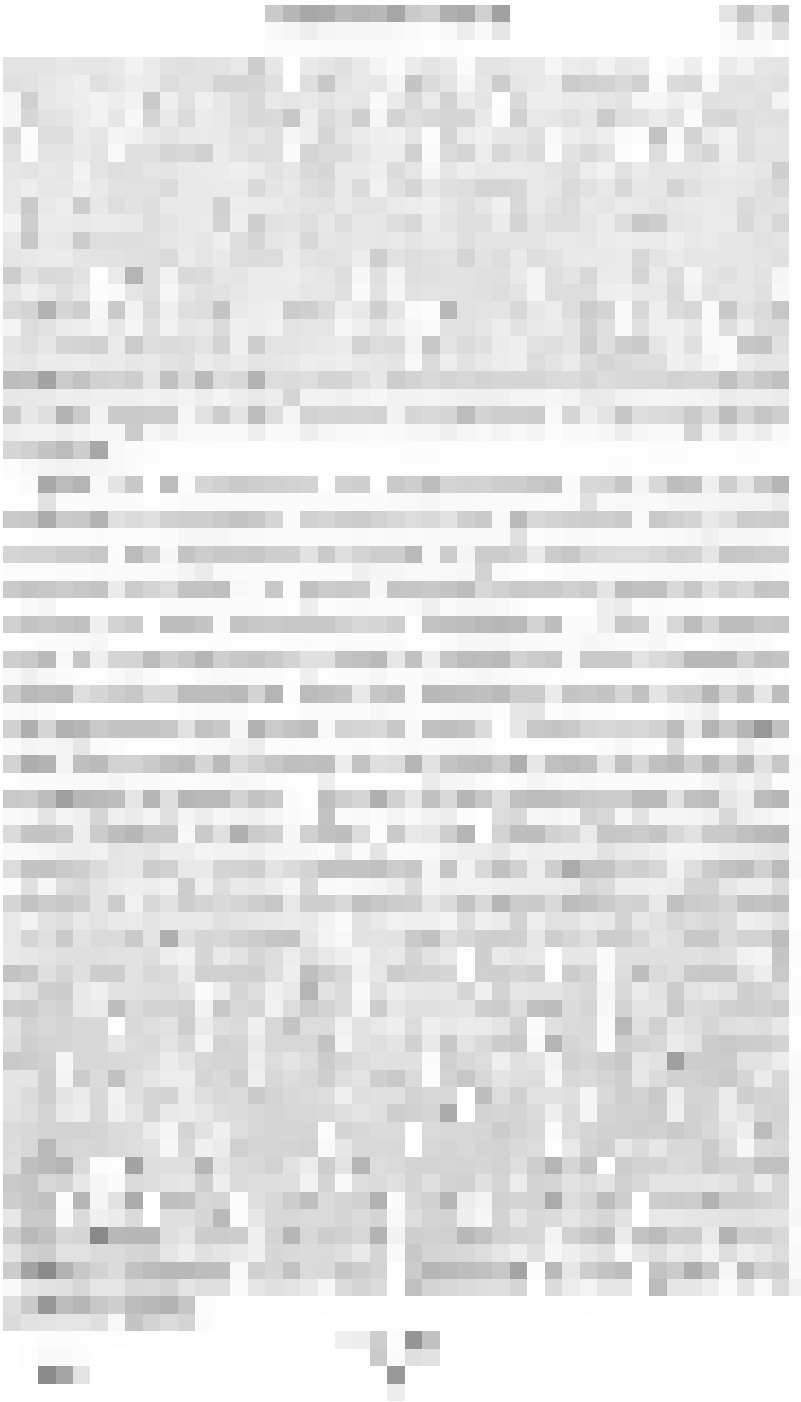

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In like manner governors wanting in the nerve to enact unpopular measures which they know in their hearts are necessary for the discharge of the duties laid on them, may be tempted to influence votes in the legislatures to avoid the necessity arising. Such methods will not avail in the end. Government by influence creates distrust, which leads to disorder, though unhappily the evil fruits are not always reaped in the time of the sower. I hope that a governor who interferes with powers clearly vested in ministers and legislative councils, or fails to support them in the execution of those powers, will be summarily recalled. But I hope no less that a governor who fails to exercise powers necessary for the due discharge of the functions reserved to him will also be recalled. Parliament has now given the clearest instructions on the subject. If obstacles to giving effect to them are imposed from above the governor should resign and publish his reasons. A man, better situated then most to judge of such matters, once said to me that resignations in India were too rare.

No government can endure unless the powers conferred on it are adequate to its functions. And this principle is never so important as when two governments are called upon to operate side by side. With the definite breakdown of one, the system, as a whole, may collapse. When I urged that ministers and legislatures should have full and unfettered power to discharge the functions imposed on them, I urged with no less insistence that the same principle must also be applied to those reserved to the Governor-in-Council. The Minto–Morley reforms were fruitful of many useful results. But where the reforms had been carried furthest, provincial executives knew that they could not obtain from the legislatures powers necessary to quell disorder. For these it was recognized that resort must be had to the clear official majority on the Indian legislature. The inevitable crisis, masked and postponed by war legislation, was dangerously developed when the return of peace obliged Government to deal with it on lines prescribed by the existing constitution. The use of the official majority on

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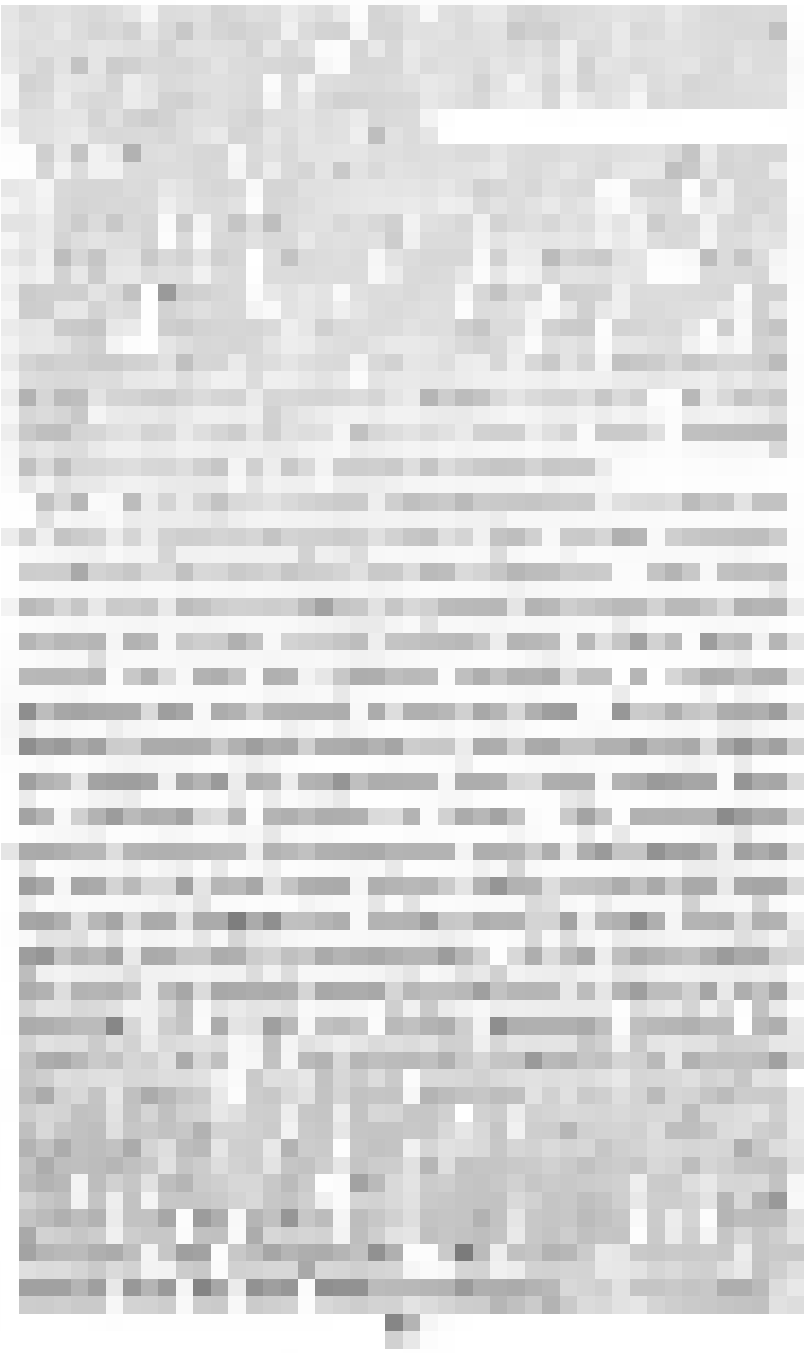
the Indian legislature was, then, the signal for an outbreak that jeopardized reform. And unless there are governments able and competent to maintain order, the free institutions now established will never grow.

§ 50. My point is that government must have legal power to maintain order wherever it is threatened. But I want to add that it will fail utterly, and deserves to fail, unless it deals with the ultimate causes of disorder. 'India', said Lord Morley, 'is a country where bad manners are a crime.' Amongst educated Indians with whom I am acquainted there are some who are, as I feel, definitely and finally embittered against the British connexion. In every instance this bitterness had its roots in some rankling memory of insult at the hands of a European.

§ 51. In a matter of such vital importance, it is best not to rely on general language but to give specific examples. I will take the first from my own experience. Like many others I am fond of talking to guards and inspectors while waiting for a train, if only because they so often help to remind one that the qualities essential to a courteous gentleman are not limited to any one class. In one Indian station I found myself talking to a tall, grey-bearded official who might from his appearance have come straight from the platforms of Swindon or Crewe. His conversation entirely confirmed this impression, and we had passed from the war to the local crops, when a badly overcrowded train drew up and disgorged an Indian crowd far larger than the platform was built to accommodate. As the train emptied the crowd was pushed across the platform to where we were standing, till at last one Indian passenger brushed the inspector's back. It was physically impossible for anything else to happen; but without pausing in his conversation, or even looking over his shoulder, the inspector lashed out backwards with his foot, with an action exactly resembling that of a vicious mule. The contrast between this savage gesture and his perfect and natural courtesy to a fellow European was unforgettable. The Indian cowered and shrank from the kick without attempting to remonstrate;



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§ 52. The second example happened quite lately, and in this country, to one of my Indian friends—a Christian who did conspicuous service at the front and wears a French decoration. In France he worked on close and cordial terms with hundreds of Englishmen. One day he caught sight of a face in the street which seemed familiar, and anxious not to pass an old acquaintance unrecognized, looked again. The owner of the face turned on him and said, 'What are you looking at me for? Get out of this at once. I may tell you I come from Madras where I have thrashed a thousand of your sort.' I am glad to say that my friend refused to be cowed and stood his ground till, in spite of repeated threats of violence, the stranger had to put his pride in his pocket and take himself off.

§ 53. One could, of course, quote any number of cases in which real provocation by an Indian to a European provoked some counter indignity. I will even mention a case the exact opposite of those quoted above. An English friend of mine, who happens to share my views on this subject, asked his way of a Brahmin in Southern India. The Brahmin shook his robes as though to avoid pollution and turned away in scornful silence. To a mere visitor interested in the study of Indian habits and customs the incident was just material for an interesting entry in a traveller's note-book on the subject of caste. A European resident in the country could scarcely have been blamed for resenting the insult. No race enjoys an exclusive monopoly of good manners or bad. The Japanese are capable of offering most calculated insults to Europeans behind a veil of polished civility. But gratuitous insults addressed by some Asiatics to some Europeans will never justify gratuitous insult by other Europeans of other Asiatics. The two instances quoted above could be multiplied indefinitely by any one with long experience of Anglo-Indian relations. If the true history of every Indian anarchist could be

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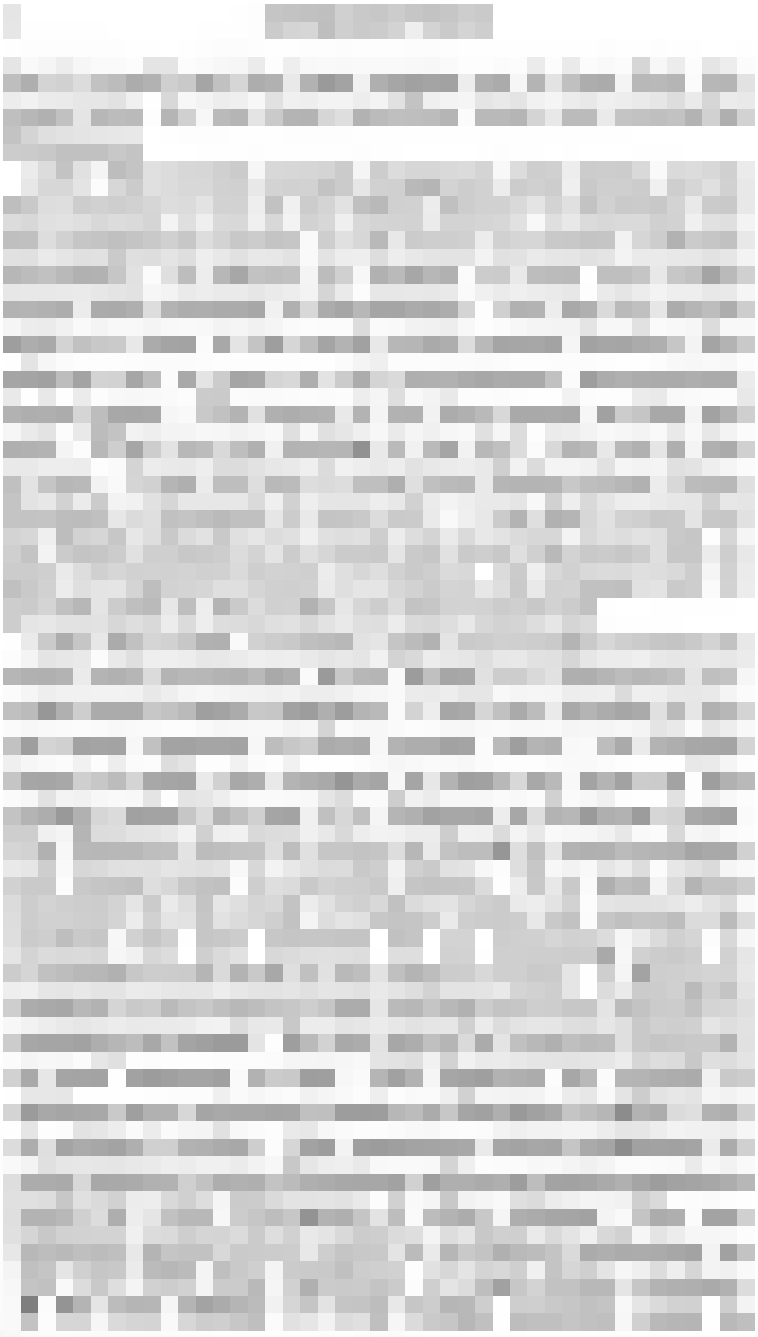
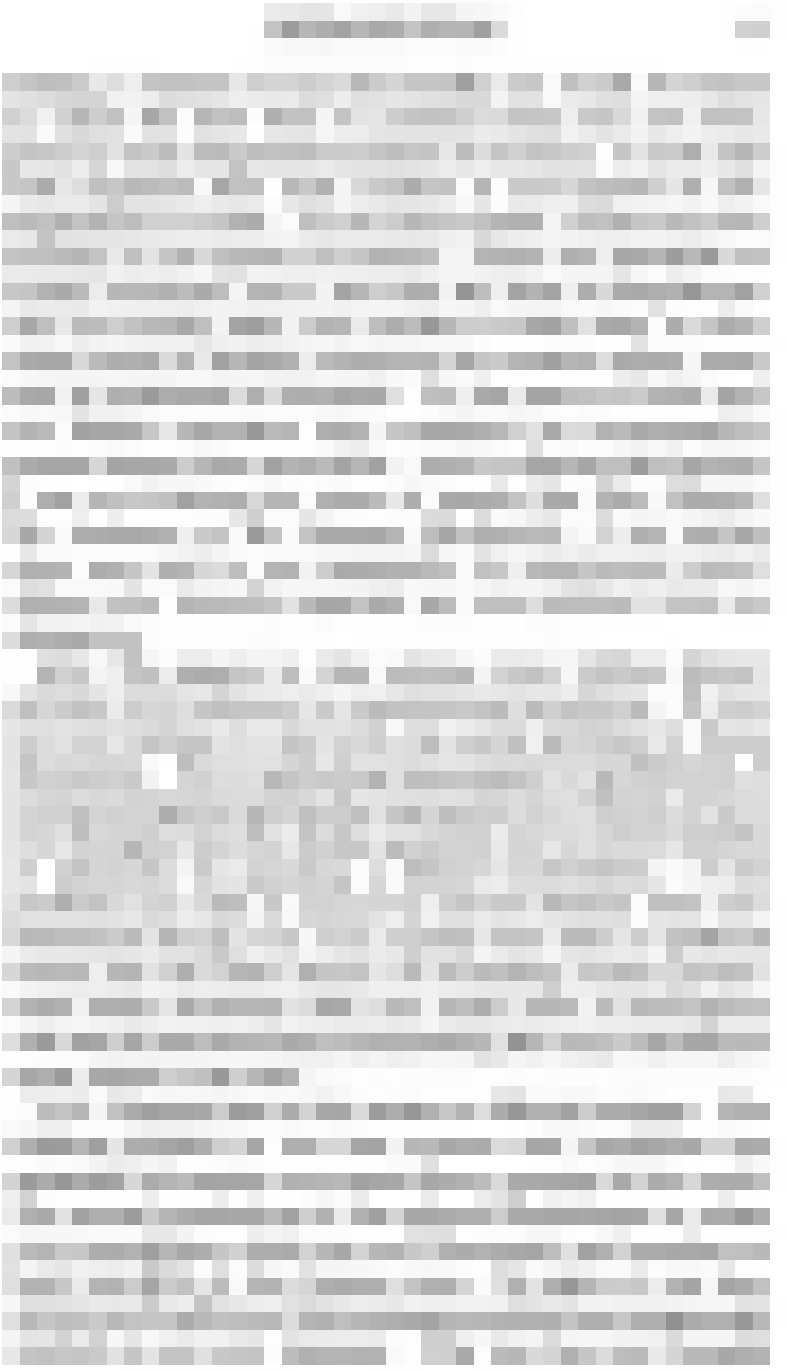


written, I venture to say that hardly one would be found in which the first bent to political crime has not been given by some disgraceful incident of the kind. I must add with emphasis that such conduct is not typical of the Englishman in India. In the same breath I must say that anarchy is not typical of Indians. There are hundreds of Indian anarchists, and I fear that the class of Englishmen who not merely offer, but consider it their duty to offer these insults to Indians, whenever the occasion arises, must also be numbered in hundreds. To the peace of India and the British connexion they constitute an incomparably greater danger than anarchists. And in offering this opinion I am not echoing the views of people like Mrs. Besant, Mr. Andrews, or Mr. Ramsay Macdonald. I am saying what was said to me insistently by experienced senior officers who honestly regarded my own political views as dangerous.

§ 54. The papers in this volume were written almost entirely with reference to constitutional questions. It was not my business to deal with the social problem in those discussions. But in gathering these papers for publication, I must guard against giving the impression that I think, or have ever thought, that the Indian question can be solved merely or primarily by granting a liberal constitution. I am perfectly sure that it cannot be solved without wise constitutional change, but I am equally sure that no political reform has the least chance of succeeding unless government deals decisively with the small class of Europeans who are all unconsciously undermining the only foundations upon which it can rest.

§ 55. England has in this matter a difficult heritage. The freedom implicit in her law, system and traditions has extended her empire over more than a quarter of the world. For several generations it has placed Englishmen as rulers over populations which are not European, and number at least one-fifth of the human race. In spite of our law, system and traditions, this dominant position has dangerously reacted on our own manners. The war has now brought



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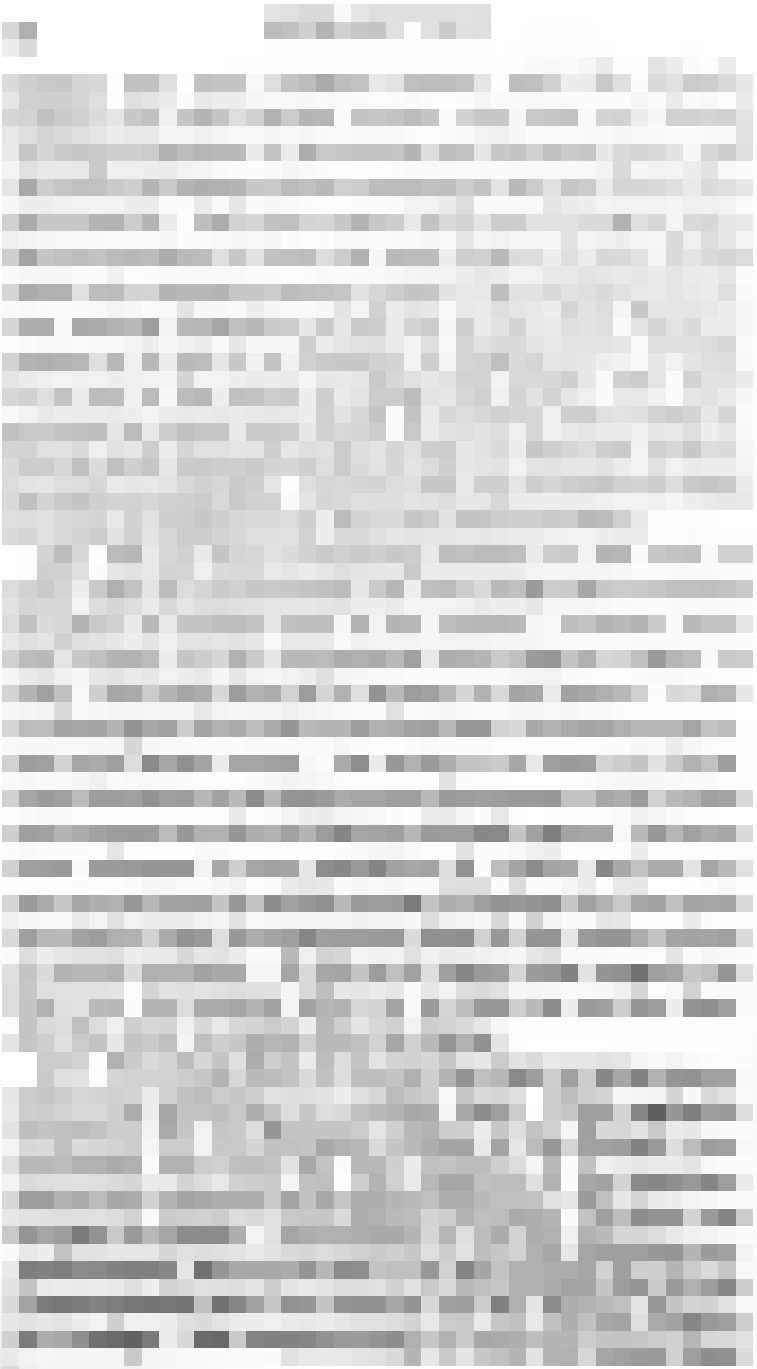
Indians into more intimate contact with the French, Italians and other foreign peoples, who have not shared our large experience in governing non-European races, and who have not always shown conspicuous success where they have tried it. But their contact with non-European races has not produced in them the same degree of caste feeling which our relatively greater contact has produced in us. One striking illustration of all this is that while Egypt is crying to be rid of us Palestine is begging us to remain. It is not in the nature of things that people who have governed so many races should be loved by their subjects. But the much more serious fact is that our dominant position has made us unlovable. And the first step towards mending our ways is frankly to see that they want mending.

§ 56. We are fond of lecturing Indians on the evils of caste, while all unconsciously our own people have assumed the place of another caste in her system. Volumes have been written on the occupational and religious origins of caste. But really there is no mystery in the matter. Caste is a Portuguese word which connotes race. Its Indian equivalent *varna* means colour. Its motive is a sense of colour. Some Brahmins are as light as some Europeans, while Sudras and sweepers are often as black as African negroes. Between these extremes is every gradation of colour, and as any one can see from the earlier stories of Kipling, the European has simply taken his appropriate place in the whole system of mutual exclusion. In this as in many other respects the East has had greater effect on us than we on the East. And the more we realize this the better.

§ 57. The whole effect of the war has been to bring movements long gathering to a sudden head. With negligible exceptions, the non-European citizens of the British Commonwealth, who form the vast majority of its members, strenuously upheld its cause against Germany. The issue was too plain to mistake. And contrary to all that dolorous prophets foretold, they knew that in the last analysis the British Commonwealth stood for freedom and the German Empire for bondage. But companionship in arms has fanned their



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long smouldering resentment against the presumption that Europeans are destined to dominate the rest of the world. In every part of Asia and Africa it is bursting into flames, and Americans know to their cost that it has also to be reckoned with in their coloured population. This is the cause of bloody riots in American cities. This is why Christianity, supported by powerful missions, makes such little progress in Central Africa as compared with Islam. Despite the fact that both religions are Semitic in origin, and spring from almost the same country, the religion founded by Mahomet is regarded as a coloured man's faith, while that founded by Christ is identified with Europe. Every missionary knows that this feeling is the most difficult factor he has to face. It has made possible the extraordinary spectacle of great numbers of Hindus supporting Moslems in the Caliphate agitation.

§ 58. Personally I regard this challenge to the long unquestioned claim of the white man to dominate the world as inevitable and wholesome, especially to ourselves. We have formally disowned that claim, and it is of the happiest augury for the future that we have used the hour of victory to take measures which prove our sincerity. But those measures will still be wrecked unless drastic steps are taken to amend the manners and practices bred by the long unquestioned doctrine of ascendency. Lord Morley's remark is a figure of rhetoric only in the sense that the conduct to which he referred has yet to find its appropriate place in the criminal code. Lord Morley was also at pains to prove that things which journalists might say without let or hindrance in England must in India be treated and dealt with as crimes. But if so, exactly the same principle ought to be applied to conduct on the part of Europeans which is more than anything else the root cause of Indian unrest. I am strongly of opinion that governors should be vested with powers to investigate judicially cases where Europeans are alleged to have outraged Indian feeling. Wherever a case of wanton and unprovoked insult, such as those I have cited, is proved,

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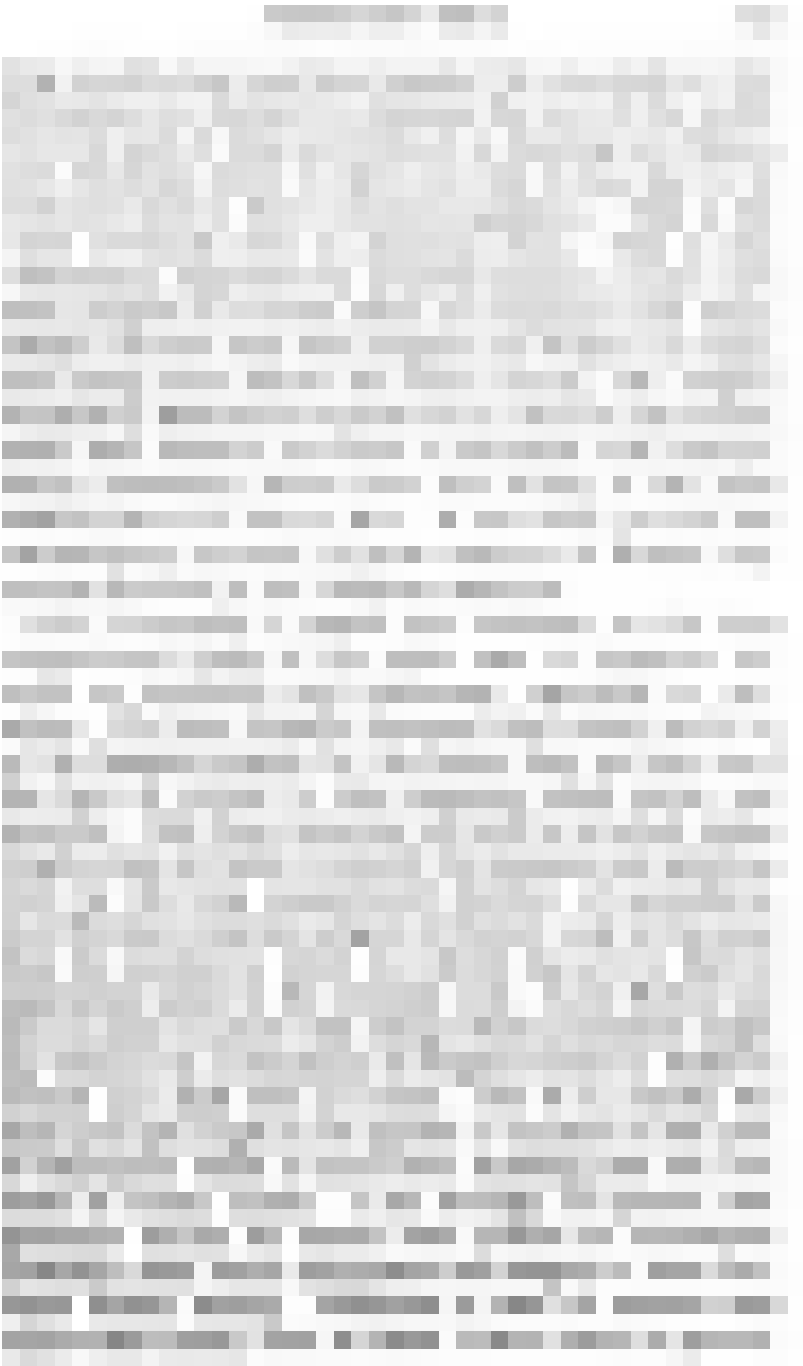
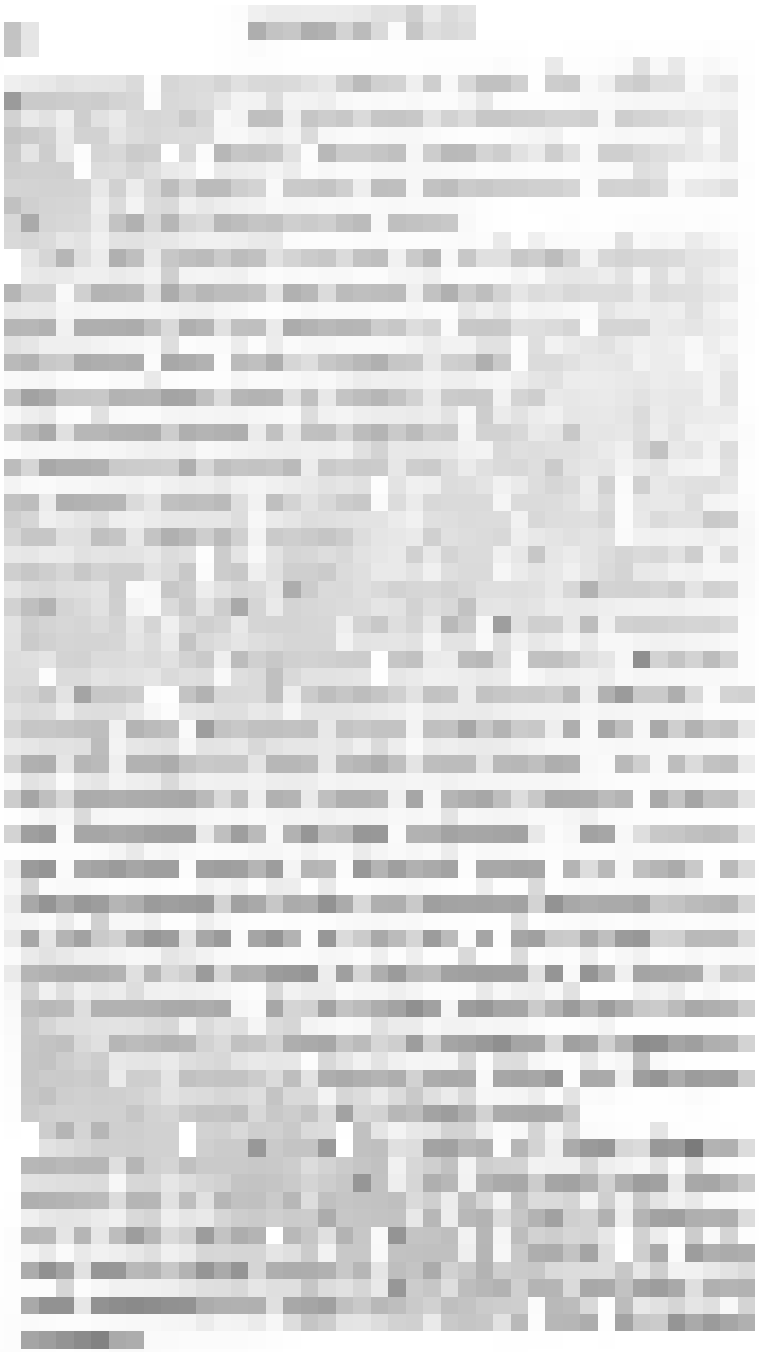


government should have power to order the culprit to leave the country. The great body of European opinion in India, would, I believe, heartily support the removal of persons so convicted; and a few deportations would soon effect a definite change for the better.

§ 59. The principle is no new one in Indian administration. When Napoleon had closed Europe to British traders their demand for free admission to India was imperative. The British East India Company fought hard for its exclusive privileges when its charter came up for revision in 1813, relying mainly on the argument that a general access of traders to the country would have a disruptive effect on its ancient society, and lead to grave political dangers. That this argument contained a serious element of truth was proved by the character of those who appeared to support it. The aged Warren Hastings was called from his retirement to give evidence before the House of Commons, as well as Lord Teignmouth (Sir John Shore), Malcolm, and Munro. They all attested the practical difficulty of securing from Europeans proper treatment of the Indians and due respect for their habits and customs. To secure the enforcement in the courts of justice between Indians and Europeans was well-nigh impossible. The occasion was rendered notable by members rising in a body as Hastings entered the House, and standing bareheaded until he had taken his seat at the bar, a just though tardy admission of the wrongs he had suffered at the hands of their predecessors. In the debate which followed Charles Grant reminded the House of the injustice and oppression inflicted on natives in America and Africa by European adventurers exempt from all civilized control.

Parliament recognizing the reality of those dangers, ordered that Europeans might visit India and trade there subject only to licences granted by the Court of Directors, or, on their refusal, by the Board of Control. In India they were to reside subject to good behaviour and also with such restrictions as might from time to time be deemed necessary.



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§ 60. It is much to be regretted that these powers were gradually abolished, and were not revived when the Imperial Government assumed exclusive control. But if we really mean our justice to be even-handed in India they ought to be revived in substance now. To deport Europeans whose conduct is a danger to the peace of India to the country of their origin, is a far milder measure than to exile Indians for a like reason. I greatly regret that I could not say so to Lord Selborne's Committee: the character of their reference excluded the subject; but I cannot take the pen from this paper without saying it here.[1]

§ 61. My Indian friends know that all I said to Lord Selborne's Committee, I had said to them in India years before. Not one of you has reproached me for arguing in public that every government, whatever it is, should have powers adequate for enforcing the law. For that reason, if for no other, my hopes for India are brighter than ever, in the face of all the dangers which are now gathering in the path of reform. And as some of the predictions I made to you then have been verified since, I will venture, in taking leave of this subject, on one more. My belief is that progress towards responsible government will be most rapid in that province where ministers and legislators openly exercise their influence to support the enforcement of law. Nothing but disorder can now delay the process and nothing can stop it but civil war, which always has its seeds in disorder. The enforcement of law is essential to government, and responsible government cannot develop in a country where government itself is ceasing to exist. This was the truth which a Liberal government forgot in ignoring measures taken in Ulster to resist the law.

Unless the law is enforced civil war will sooner or later result, and control pass from civil to military hands. The moment blood begins to flow passion is inflamed, and incidents such as those which disfigured the suppression of

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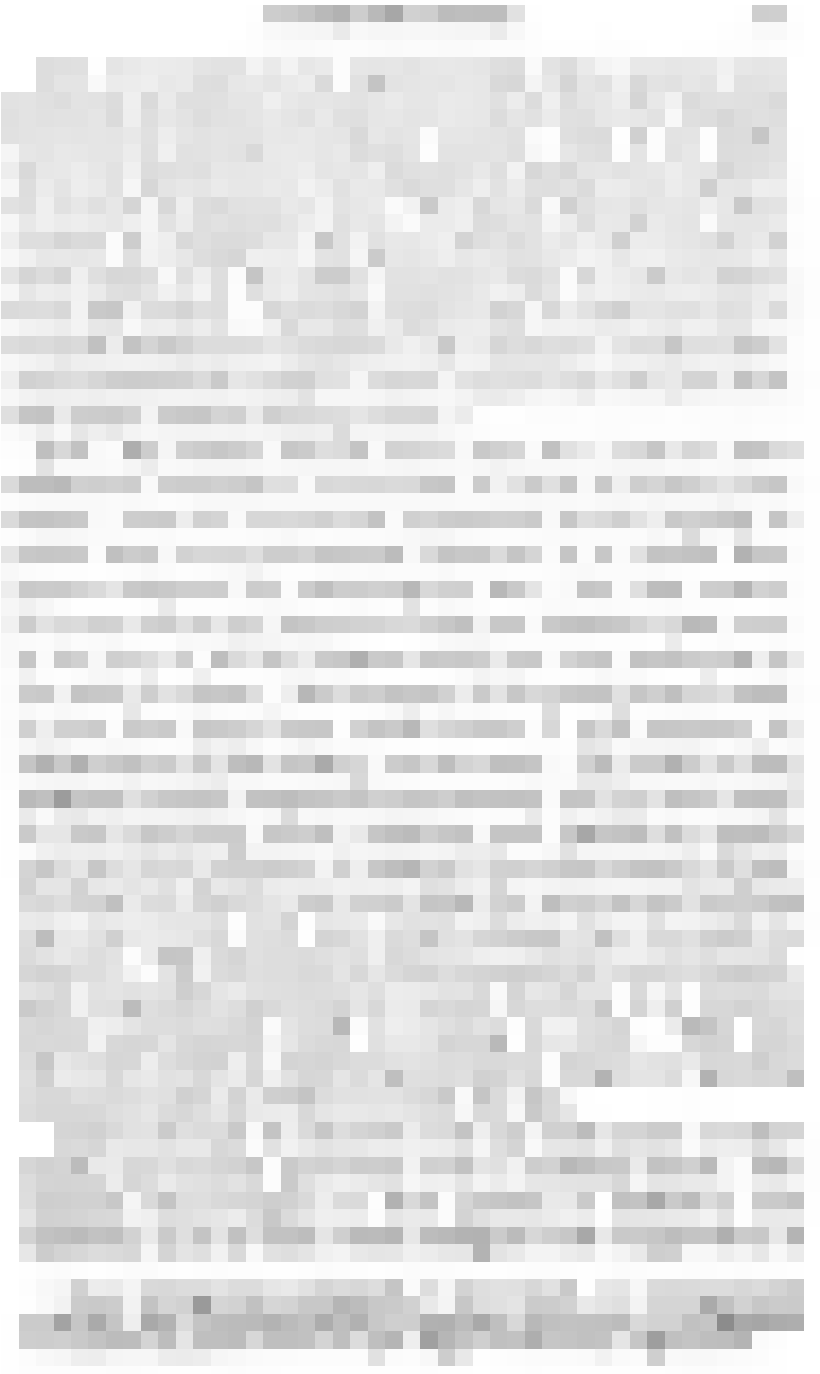
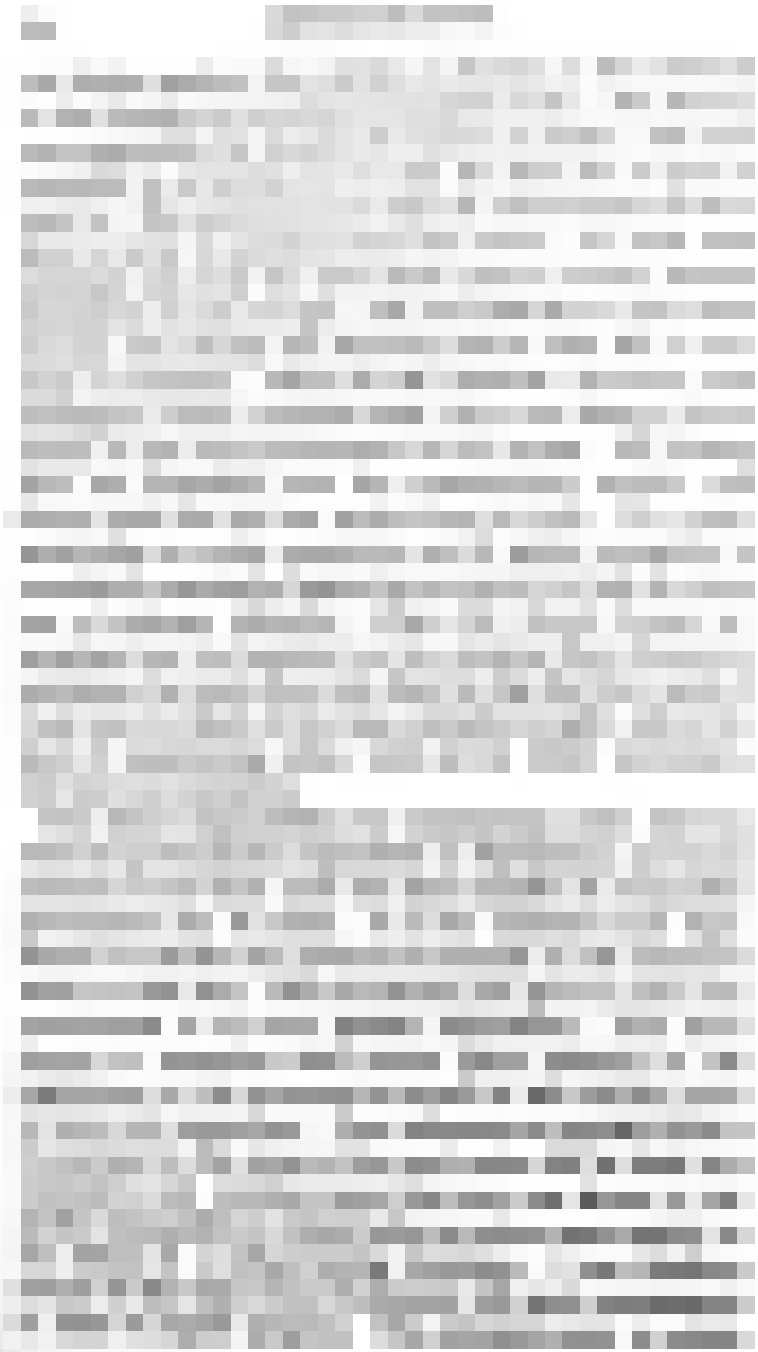


the Indian mutiny, the rebellion in Dublin, or the outbreak in the Punjab, are an almost invariable result. The Mutiny was responsible for decades of reaction in India. The first necessity is, of course, to see that the laws are as just as may be. The second is to see that the enforcement of those laws is never in question from the outset. To deal with criminals who defy the laws which protect society against themselves is easy enough. The real difficulty is presented by men who blindly but honestly believe that law is contrary to freedom. With all the idealism, devotion, and intelligence which criminals lack, they can always devise means to put any government in the wrong. All human laws are imperfect, and the conscientious resister will always pick out the less perfect laws to defy. He courts martyrdom to enlist sympathy, and if public sympathy is successfully marshalled against government, its task becomes one of extreme difficulty. When Mr. Lloyd George remembers how he breathed on the smoking flax of passive resistance, he must often wish that his lips had been sealed. I ask you to think of the time, already in sight, when the task of maintaining order, with all its bitter necessities, will rest on yourselves.

The direct responsibility for maintaining order still lies with the governments responsible to Parliament, and must continue to lie there until the final transfer of responsible government can be made. It is for ministers and legislatures to advise the governor-in-council on all measures taken to that end. But the advice you give to your own constituents is of even greater importance. You have always to remember that advice given publicly in the legislatures to the governor-in-council is also advice given to your own supporters. Your influence as popular leaders if exercised in the cause of law and order will be final and conclusive and conduce more than any one factor to the perfect tranquillity in which India can move most rapidly to the status of a self-governing dominion. I am thinking always of the time when Parliament will send commissions to India to report progress. The principal point to which



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§ 62. In democracies the ultimate decision between right and wrong rests with the masses. And the hope of the world lies in this that the habit of deciding fits them for decision. If any one doubts this let him read the luminous article on Italy in *The Times Literary Supplement* which appears just as these pages are going to the press. A single quotation will here suffice.

In other ways, too, the *risorgimento* has been justified in the eyes of men by recent events. A few years ago people qualified their approval of the work of Cavour by lamenting the 'disillusionment' of subsequent Italian history. And that there was much 'disillusionment' the Italians themselves were the first to confess. But slow beneficent change is often going on underground during periods of apparent and proclaimed 'disillusionment'. To any one who knows what Italy was really like in the period which we justly call her heroic age, from 1848 to 1870, her recent progress is clear enough. The southern and much of the central populations were sunk in barbarism, the evil inheritance of centuries of servitude; everywhere corruption, inefficiency, and lethargy were a deadweight which the patriots had to lift, being men translated above themselves by the inspiration of their cause. Great has been the progress silently effected by fifty years of the new régime, with all its faults and failures. To those who know the histories of the campaigns of 1848 and 1866 the performance of Italy from 1915 to 1918 in mobilizing and maintaining five million men, and fighting a modern war in all its equipage along three hundred miles of Alpine front, will itself be a proof of the steady average advance made during the dim half-century that followed Italy's great illumination.[1]

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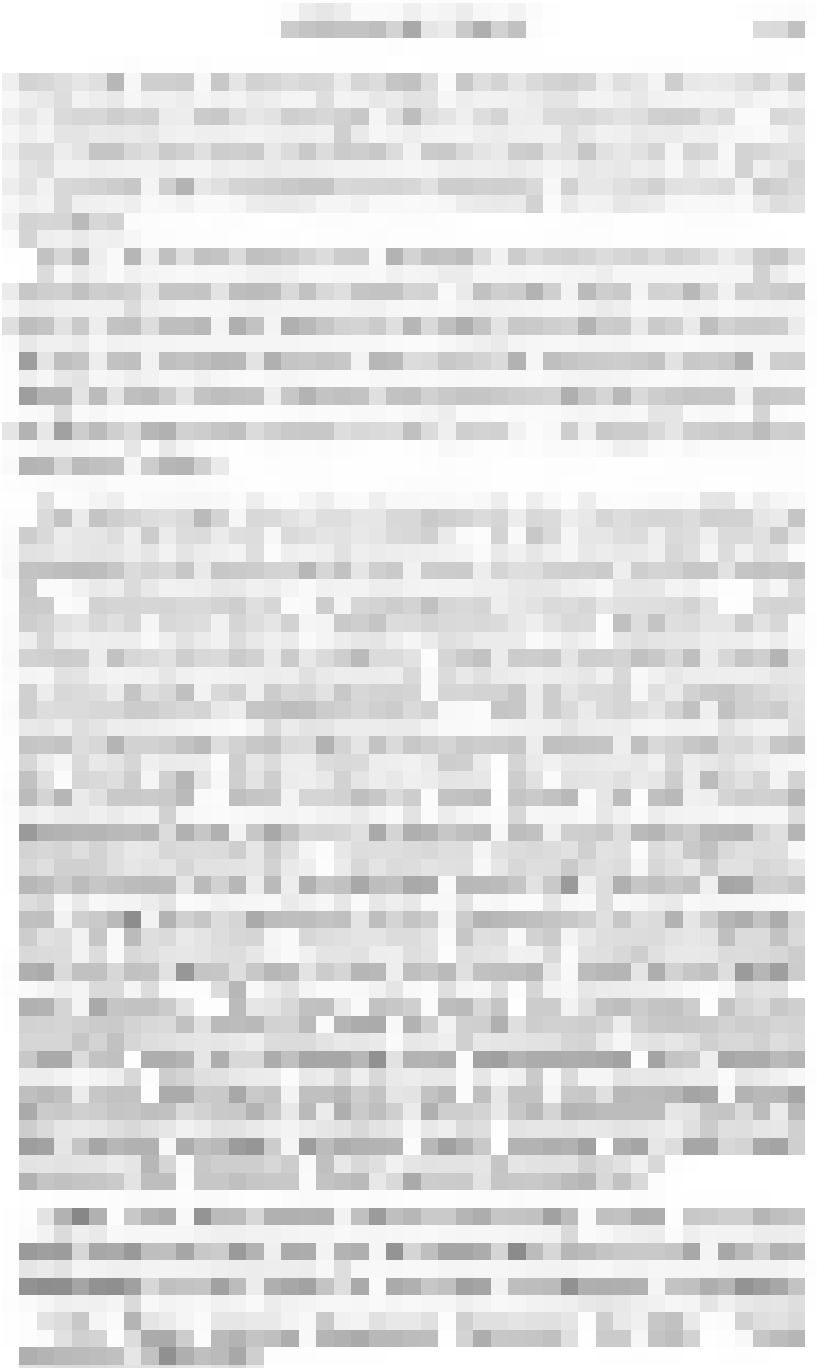

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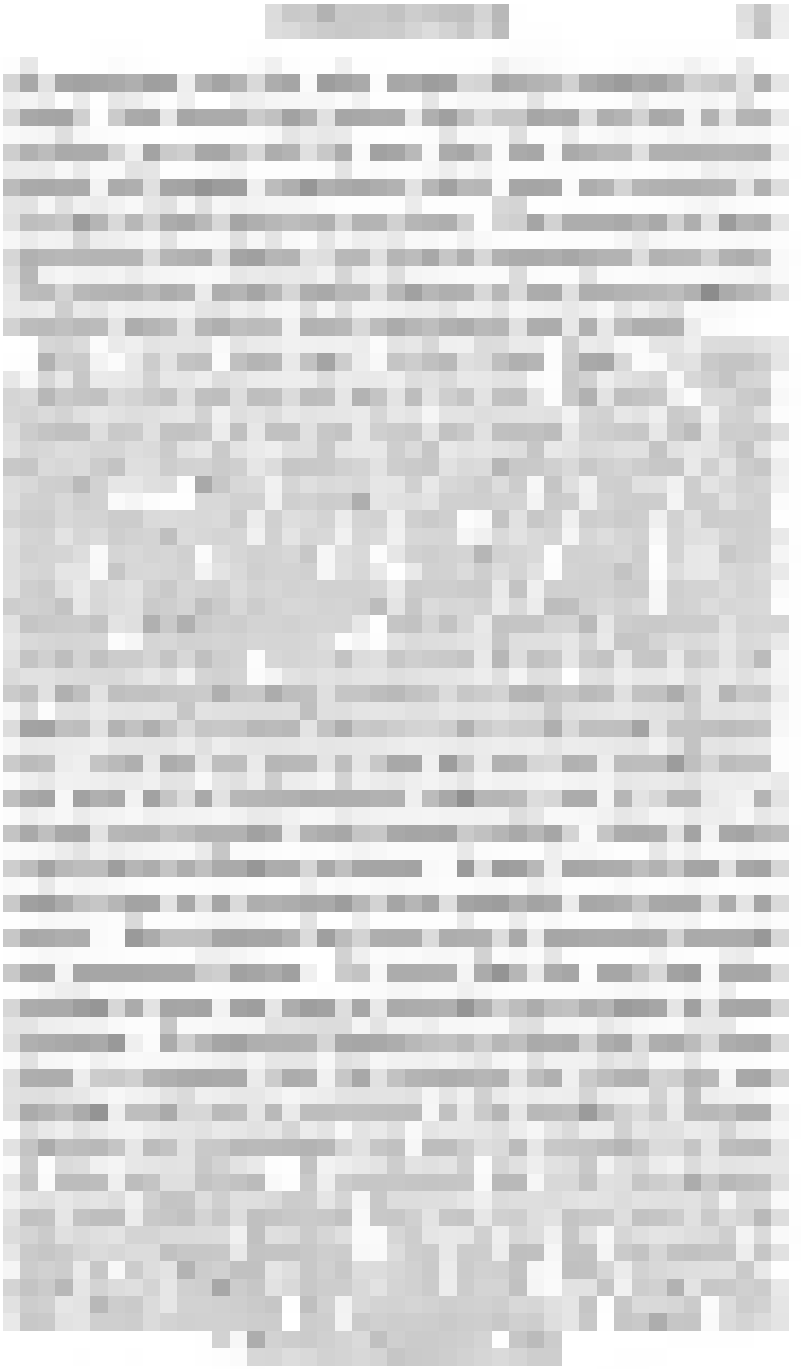

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was largely responsible for the impetus given to extremist views, some fruits of which were seen in the Punjab rising. The same pronouncement made in 1916 would have forestalled a harvest of trouble. But history will find little cause for reproaching England for the manner in which she handled the question from the moment her policy was settled and announced. The problem was then squarely faced. The facts were submitted to searching inquiry. No thought or pains necessary to forecast the appropriate solution were spared. On the other hand the mistake was not committed of endeavouring to settle by interminable argument what only experience can decide. When all the resources of inquiry and speculation were exhausted the plan was submitted to the test of trial, and machinery was created in advance for registering the results and for giving effect to them in years to come. Throughout the case was dealt with on its merits. It never became a party issue, and the standing danger that India might become a field for the manœuvres of English factions was carefully avoided. What England had promised in the hour of her trial was more than redeemed in the fullness of victory. And for all this the chief credit must remain with the man in whose hands the final direction lay. Mr. Montagu has been and will always be exposed to criticisms, of which many will be found in these pages. But if England ever has cause to be proud of this episode she will recognize that its successful issue was mainly due to his crowning quality of persistence. He merits the gratitude of England no less than of India.

§ 66. That England has granted responsible government to India in strictness should never be said and will never be true. The best she could do was to put India in the way of taking responsible government for herself. That she has done, and the rest remains for Indians to do. And whatever they accomplish will not be accomplished for India alone. National achievements are not to be measured by the things which a nation achieves for itself. It is much that England should have found a way to her own freedom; but infinitely more that she has traced the path which

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other nations of Europe have trodden or will tread. And so it will be with India also. In solving the problem of responsible government for herself this vast and complex Oriental community will find she has solved it for the whole of Asia, and, in the fullness of time, for Africa as well. The greatest of all the services which one nation can render to another is example. For the greatest of problems are common to many; and solved by one, they are solved for many. Three continents are now living in the rays of a candle lighted by England centuries ago. India now has a candle which once kindled will never be put out till all the nations of Asia and Africa walk by its light.

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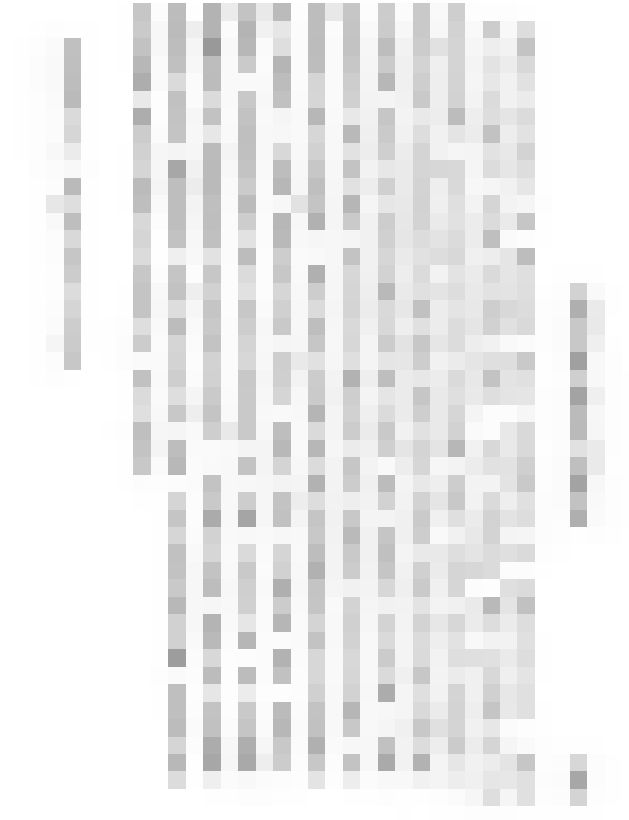

I

'THE DUKE MEMORANDUM'

SUGGESTIONS FOR CONSTITUTIONAL PROGRESS IN INDIAN POLITY

(An Experiment in the application of the Principle of Dyarchy to the Government of Bengal)

INTRODUCTORY NOTE

In the summer of 1915 those members of the Round Table groups who were engaged in the preparation of Volume II of *The Commonwealth of Nations* began to write the chapters relating to India and the Dependencies. It was not intended to discuss in these chapters the detailed problems of Indian administration, but only to deal with the political status of India within the Empire and its relations to an Imperial Parliament and Cabinet, reconstructed on lines set forth in *The Problem of the Commonwealth*. At an early stage it was recognized that Indians could not be given responsibility for Imperial policy until they had first reached the point where they had some responsible share in their own Government. For so long as the final control of Indian administration lay with the Imperial Parliament it seemed out of the question that the nominees of the Government of India, or the representatives of an Indian assembly to which constitutional responsibility was denied, should be able by their votes to make and unmake the Cabinet which controlled Imperial policy, including that of the Government of India itself. At first it was thought possible to leave the question of India's status in the Empire to be settled by the reconstructed Imperial Parliament itself. Representations, however, from India, and still more the resolution introduced into the Viceroy's Council, asking that India should be represented in the next Imperial Conference, and the friendly reply of the Imperial Government thereto, indicated that this was not a practical course, and that opinion in India had reached a point at which an alteration in the constitutional relations between the self-governing portions of the Empire would necessitate a corresponding definition of the position which India was to occupy within it.

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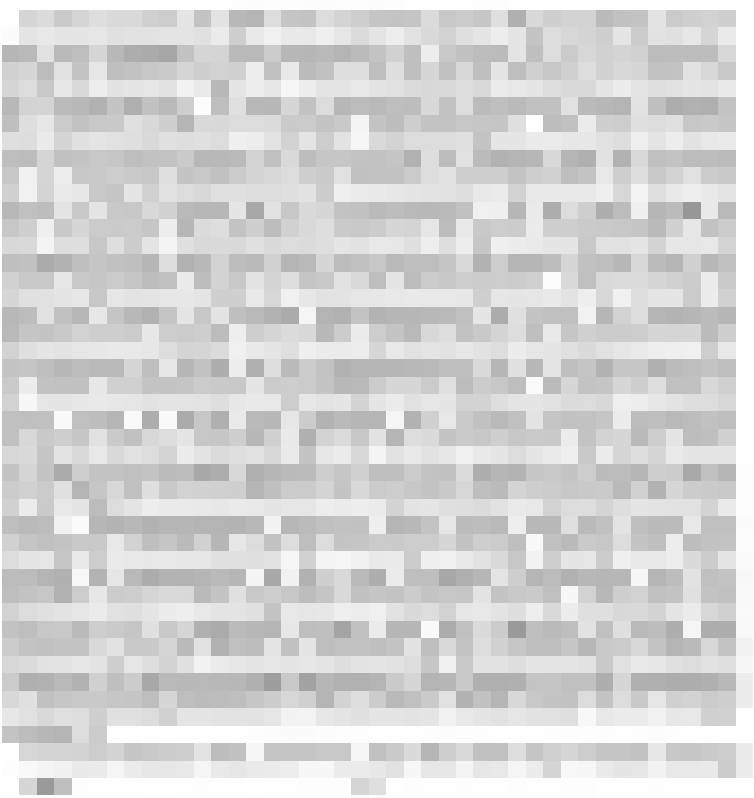

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the problem of the representation of India in London must be to come to some conclusion on the question whether (and, if so, to what extent and in what form) the beginning of responsible Government will be practicable in India itself in the near future. For while no method of representing Indian interests either in the Imperial Conference or in a reconstructed Imperial Parliament which was now practicable could be expected to satisfy Indian aspirations, nevertheless, if some stages in India's progress towards a degree of real autonomy could be satisfactorily mapped out, either at the time when the reconstruction of the Imperial constitution was being taken in hand or earlier, the question of her constitutional status within the Empire would not be so difficult to deal with. Hence an inquiry was set on foot to examine how self-government could be introduced and gradually and peaceably extended in India. The basis of the inquiry was that the essence of the problem is to find a method of introducing true responsible government, in a limited and manageable sphere of administration, which could be contracted or extended in accordance with the practical results attained without imperilling the structure of Government itself.

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CHAPTER I

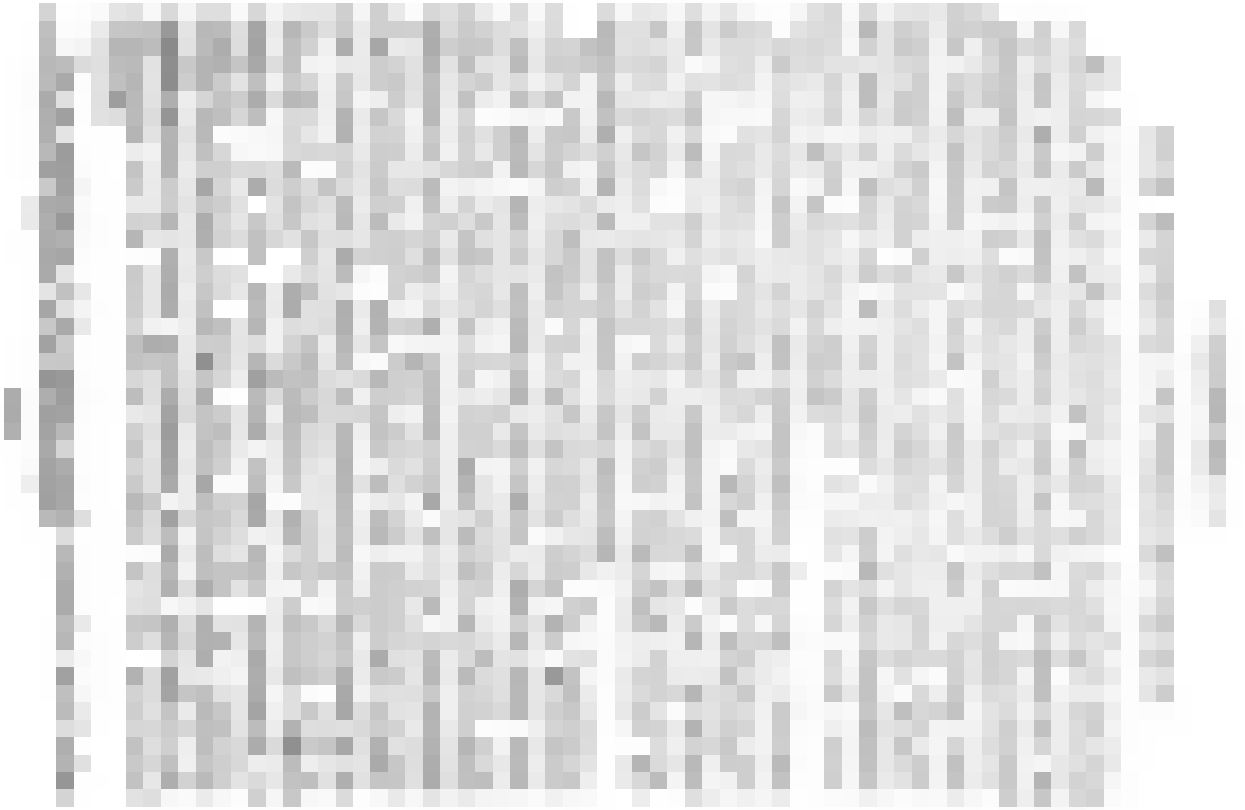
THE EXISTING SYSTEM DESCRIBED

§ 1. Subject to the statutory control, in certain matters exercised by the Secretary of State in Council[1] and also to the more general control exercised by Parliament, the administration of India is in the hands of the Government of India and of Provincial Governments subordinate to it. The Government of India consists of the Viceroy and Governor-General with seven members of Council, who are ordinarily English permanent officials, except one Indian, who may or may not be an official. Unofficial Englishmen are from time to time appointed to the Law, and, more rarely, to the Finance Portfolio.

The Government of India administers directly: Foreign Affairs; Defence, including the Army and Volunteers and Marine; Currency; Railways; Posts and Telegraphs; Sea Customs and political relations with the principal native States. It also deals at times with large and exceptional questions relating to matters ordinarily under the administration of Provincial Governments.

The work of legislation is performed by the Legislative Council, which consists of the Viceroy and his Executive Council with sixty additional Members, official and non-official. The Secretary of State exercises control over legislation by a power of veto on Bills passed by the Indian legislatures and also by instructions to the Government of India on the drafts of Bills which are submitted to him before introduction. The powers of the Imperial Legislative Council, and the rights of members are the same as in the case of Provincial Legislative Councils which will be described shortly. The Legislature has a narrow official majority. Of the non-officials some are nominated, a majority elected, in some cases directly by constituencies of landholders and Mohammedans with high property qualifications, in others by delegates elected by wider constituencies as the non-official members of the provincial councils.

[1] For an explanation of the various councils connected with Indian Government see appendix at end of this chapter.



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§ 2. Of these the principal are: three Presidencies with Governors in Council, one province with a Lieutenant-Governor in Council, three with Lieutenant-Governors, two with Chief Commissioners. All the above-mentioned Local Governments have Legislative Councils whose activities are subject to a double control, both by the Viceroy in Council and by the Secretary of State, exactly the same in character as that exercised by the latter over the legislative powers of the Government of India. Most functions of internal government, such as Justice, Police, Education, Sanitation, Public Works, Irrigation, Forests, Local and Municipal Self-Government are administered by the Local Governments, over whom the Government of India exercises a co-ordinating and controlling authority.

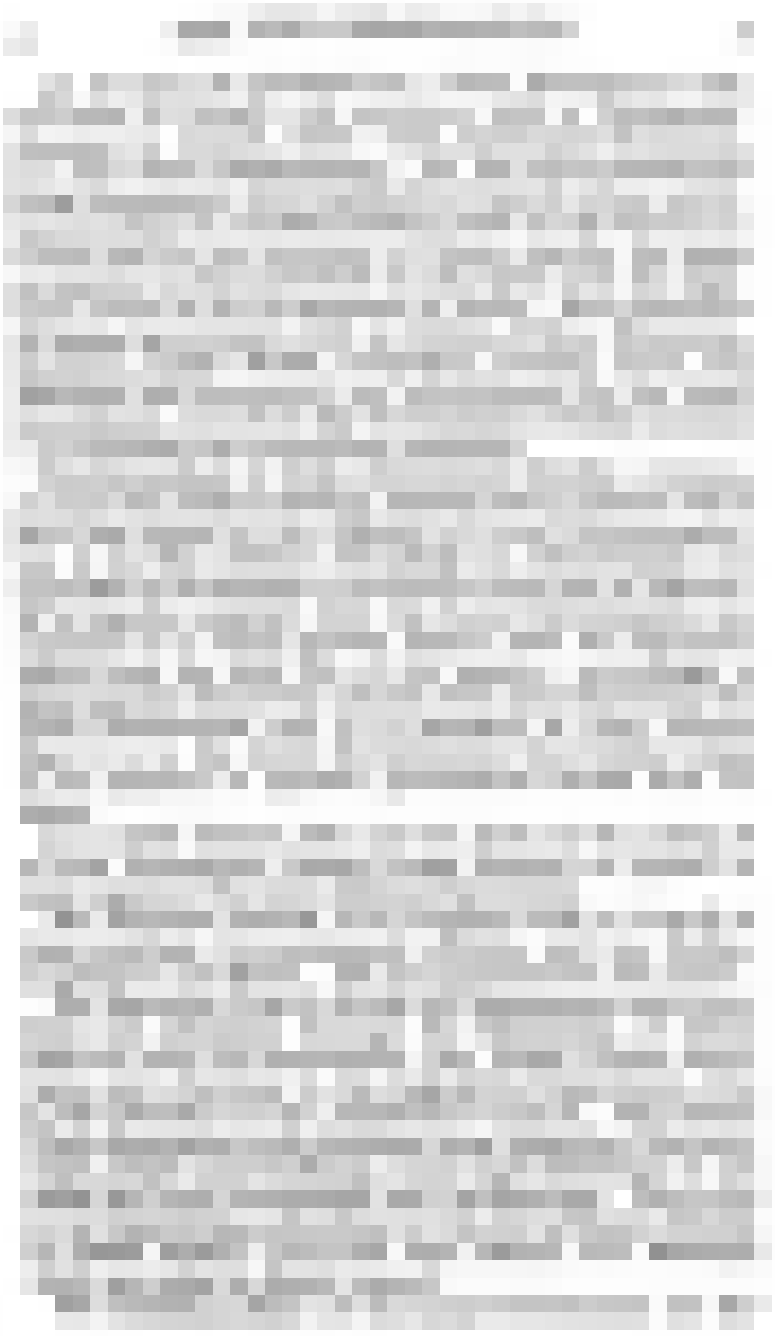
The Government of India administers directly a revenue of about fifty millions sterling, against thirty millions which have been placed at the disposal of Local Governments; but of its fifty millions two-thirds to three-fourths are expended on the interest of the Public Debt and in Defence. It is therefore apparent that the Local Governments are concerned to a much greater degree with the functions which touch the daily life of the people; accordingly a larger popular element has already been introduced into the Local Governments, and it is assumed in what follows that it is in the Local Governments that further steps in the direction of popular government should first be taken.

§ 3. A brief abstract will now be given of the polity of a Local Government, Bengal being selected as typical in most respects of the more advanced provinces.

The Executive consists of a Governor with a Council of three members, two permanent officials, and one Indian, at present a non-official. All are appointed for five years.

The Executive Council divide the departments into portfolios and administer through the Secretaries, of whom there are four civil Secretaries, two Public Works Secretaries, and a Secretary in the Legislative Department, who is also Secretary to the Legislative Council. The Public Works Secretaries divide between them Irrigation, Embankments, Roads and Buildings, such Light Railways as are under the Local Government and Archaeology. They also act as transmitting authorities for the Government of India in certain matters connected with Marine and Railways which are under its direct control.

The remaining affairs of the Local Government are dis-



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Political.	Excise.	Land Acquisition (for Public purposes).	Education.
Appointment (i. e. the posting of the Indian and the recruitment and posting of the Provincial Civil Service).	Factories.	Jurisdiction and Boundaries.	Municipal and Local Self-Government.
	Emigration.	Agriculture.	Sanitation.
	The Medical Service.	Co-operative Credit.	
	Opium	Forests.	
	Salt	Registration (of deeds and assurances).	
Police.	Stamps.		
Jails.	Registration of Public Companies and most other subjects in which the Commercial Public have to be dealt with directly.		

The Secretaries correspond with five Commissioners of Division, who are administrative officers for almost all departments. Each division contains five or six districts in charge of Magistrate Collectors, or Deputy Commissioners, also known as District Officers.

Correspondence on most subjects has to pass from the District Officer to Government through the Commissioner, but Civil Justice is entirely under the High Court, who manage it through District Judges and their subordinate judicial officers.

Also specialized departments, particularly those with expert or professional heads, are in varying degrees independent of the District Officer and Commissioner. Generally speaking, as regards internal organization and discipline, they are self-contained ; but in matters of policy and their relations to the public the District Officer has some degree of authority. Such departments are Police, Education, Jails, Public Works, Registration of Deeds and Assurances, Forests.

The department of Local Self-Government, which is concerned with municipal towns and with rural boards, comprising District Boards, Local Boards and Village Unions, differs from other departments in its internal economy and its relations to the Government, because of the extent to which the self-governing and elective principles

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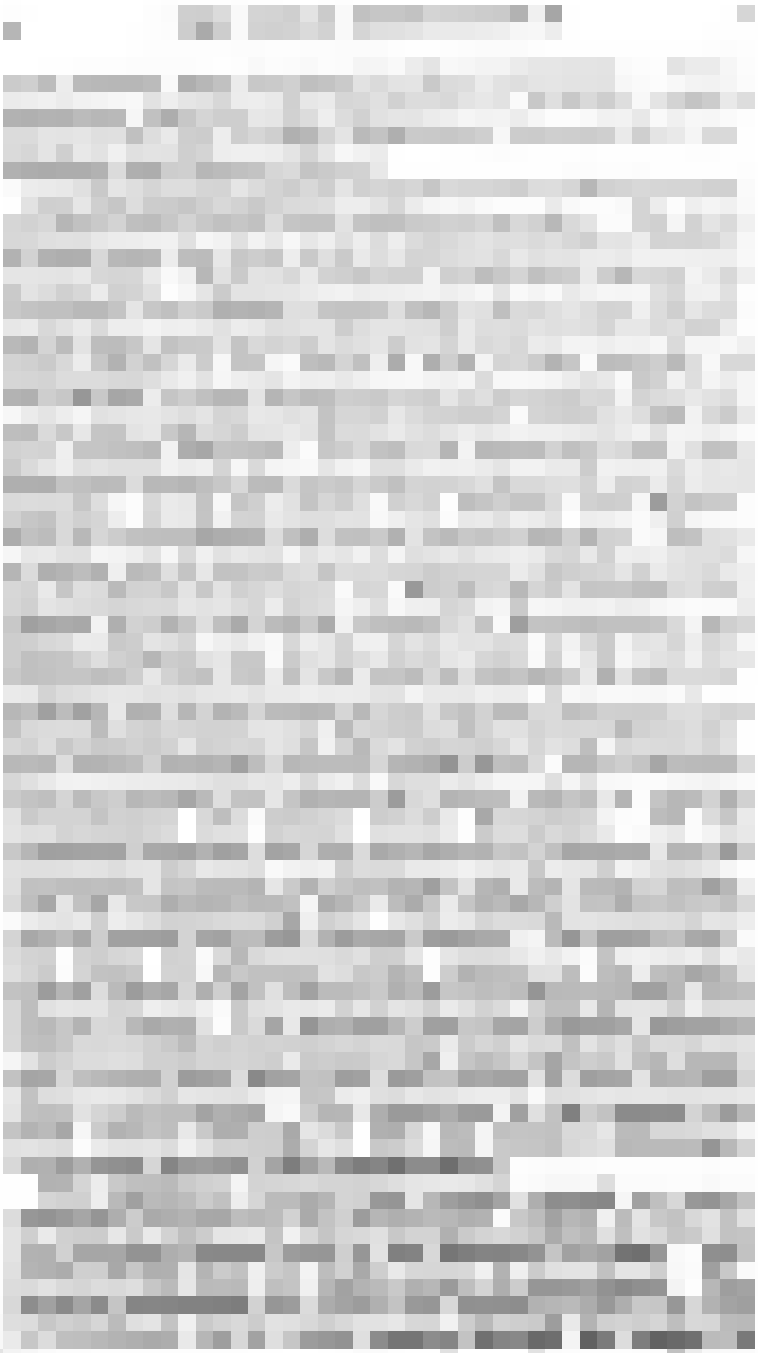
§ 4. The Bengal Legislative Council consists of the Governor and Executive Council with additional members. The term is three years, the whole body of additional members retiring at one time. These are fourteen nominated officials, six nominated non-officials, twenty-eight elected non officials, and to them may be added for special purposes two experts, either officials or not. There is thus a large majority of non-officials, at least thirty-four out of a possible fifty four and a clear majority of elected members, twenty eight out of a possible fifty-four. It may be mentioned here that Bihar and Orissa is the only other province with an elected majority; in all the others, even Bombay and Madras, there is a non-official but not an elected majority. This is a matter not of statute but of statutory regulations which can be altered at any time. In Bengal eleven members are elected by the non-official element in Municipalities and District Boards, one by the whole body of the Calcutta Corporation, and one by the elected members of that Corporation, one by the Senate of the Calcutta University, four by landholders with a very high franchise, five by Mohammedans with a moderate property qualification. The remaining five are returned by commercial bodies which in existing circumstances will always return Europeans. Of the nominated members two are appointed to represent special Commercial Interests, one European and the other Indian, with the understanding that when suitable constituencies can be formed they shall become elective. The main objection taken by advanced Indian opinion to the present system relates to the indirect election by Municipalities and District Boards. It is probable that Lord Morley adopted these as constituencies because they were ready to his hand, and it would have taken time and trouble to form suitable direct constituencies. The objections to the system are fairly obvious although it also has distinct advantages in securing genuine local representation.

The Legislative Council may accept, amend or reject measures proposed by the Government, subject to veto by the Governor-General and by the Secretary of State. The power of veto does not imply power of amendment. The superior authorities can control the drafting before the Bill is introduced, but if, while passing through the stages of



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The Councils have now been working for six years, they have real power over legislation and great opportunities for influence in all matters of administration; but the satisfaction at first felt at this great advance upon previous conditions is perhaps now giving way to some degree of disappointment at the absence of initiative and of financial powers.

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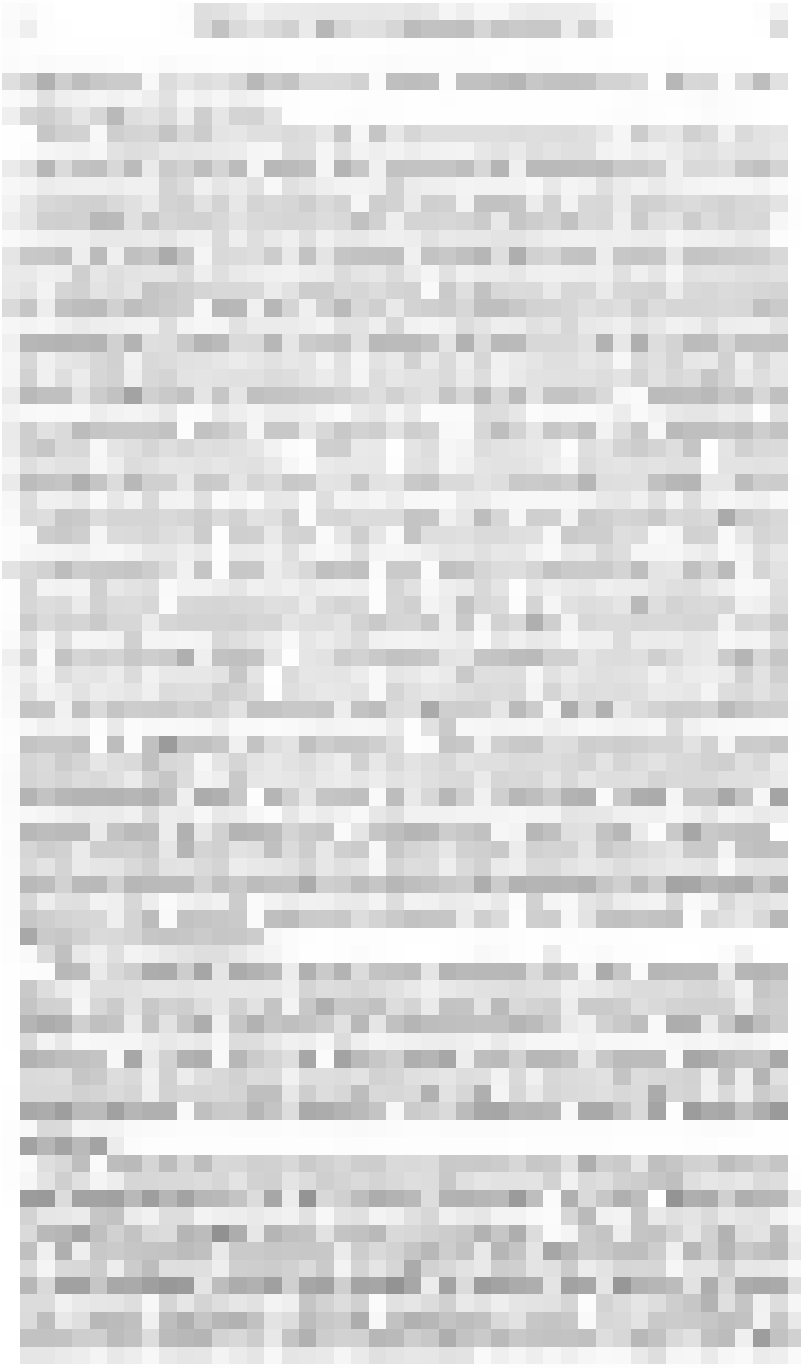


compelled to side with him and overrule them by his casting vote is unknown and not taken into account. Also, since he is a Government nominee, ordinarily the Governor's own nominee, he has probably been chosen as a safe man, and can hardly be representative of the most advanced section of opinion on the Legislative Council.

§ 6. These are as fairly as they can be described the circumstances of an Indian Government in Council at the present moment. Clearly they are in a stage of transition; very great scope has been given for the influence of Indian opinion but a comparatively small measure of real power.

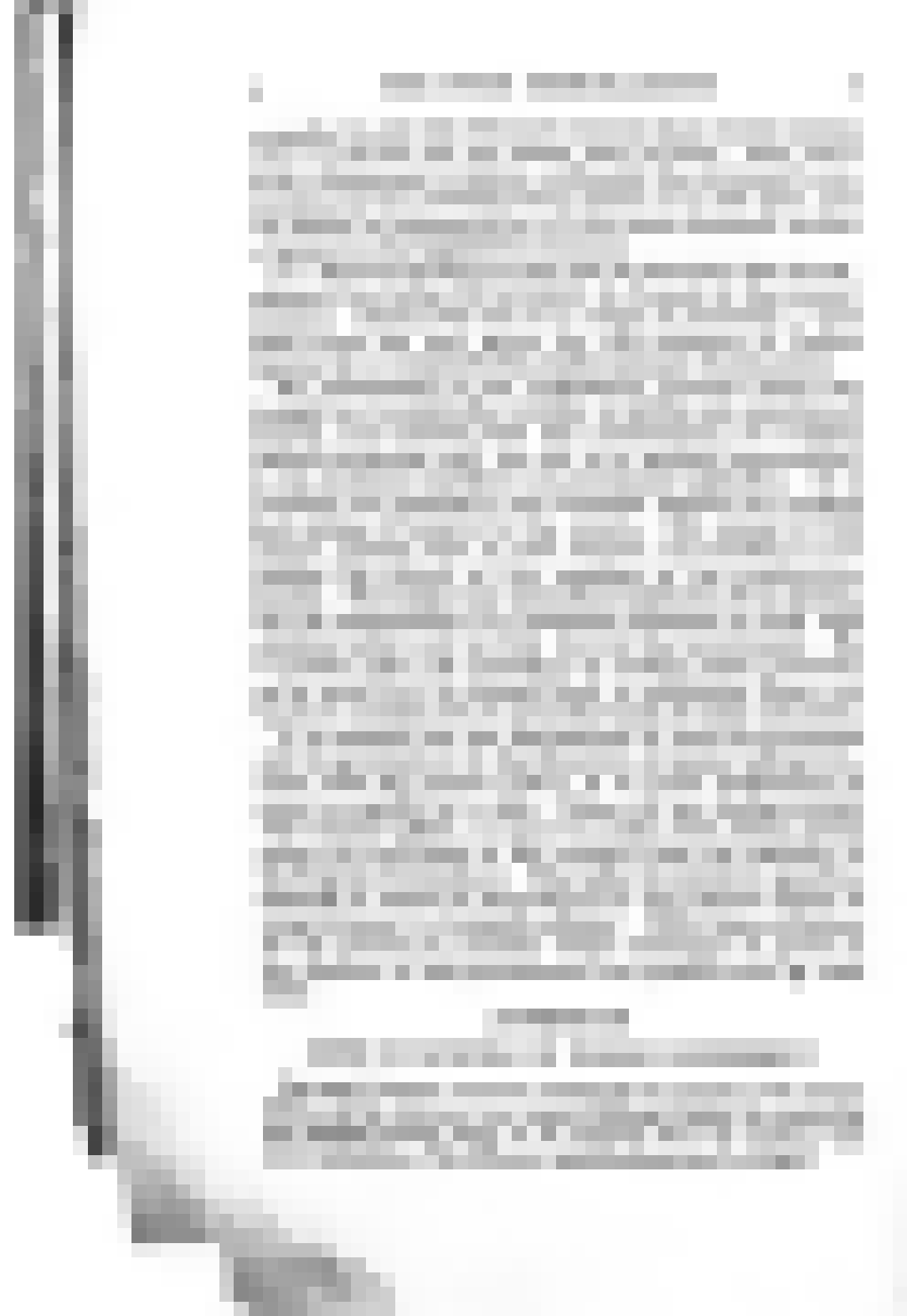
The enlargement of the Legislative Councils which has brought in a considerable number of skilful and experienced lawyers, and involved also the maintenance of a highly trained secretarial staff, has led to a marked improvement in the technical excellence of provincial legislation. It is probably now peculiarly well fortified against the sapping and mining of lawyers in the courts. But except in this respect, perhaps even in this respect, the tendency is to develop the critical at the expense of the constructive faculty. The Indian may introduce legislation if he pleases, but the responsibility for initiating measures to deal with admitted evils is not on him but on the Government. He is neither under the necessity of making them practical, as he would be if he himself had to administer them, nor has he to consider how to provide funds for their execution.

It is assumed that the aspirations of both the governors and the governed are in the direction of greater self-government, that the general policy is to grant instalments of power as rapidly as is safe. Since we are dealing mainly with internal affairs, it may be taken that safety means rather the well-being of the subject than the stability of the Supreme Government. The latter is scarcely in question, although it would be prejudiced by any serious degree of misgovernment in domestic affairs. With these premisses we can proceed to consider what extensions of power in the direction of self-government are possible and in what order.

APPENDIX

NOTE ON COUNCILS IN INDIAN GOVERNMENT

The word 'Council' occurs so constantly in connexion with Indian affairs, and in reference to so many different bodies, the particular one intended having often to be inferred from the context, that some explanation of its different significations may be helpful.



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There are at least five kinds of councils, of which the constitution and functions are now regulated by the Government of India Act, 5 & 6 George V, c. 61, which consolidated the previously existing law of the subject.

They are described as follows:

(i) The Council of India, also spoken of as the Secretary of State's Council.

(ii) The Governor-General's Executive Council.

(iii) (*a*) Governors' Executive Councils, in the three Presidencies of Bombay, Madras, and Bengal.

(*b*) The Executive Councils of Lieutenant-Governors, of which at present the only instance is in Bihar and Orissa. The House of Lords recently threw out a proposal to appoint one for the United Provinces.

(iv) The Indian Legislative Council.

(v) Local Legislatures, or the Legislative Councils of Provinces. These again differ somewhat in character according as they are the Legislative Council of a Governor or Lieutenant Governor who has also an Executive Council or of a Lieutenant Governor or Chief Commissioner who has not.

(i) The Council of India was first constituted in 1859, after the Crown had assumed the government of India. It is associated with the Secretary of State in the greater part of his functions of control. The members are appointed by himself. At first they numbered fifteen. At present they must be not less than ten nor more than fourteen, and nine of them must have served or resided in India for not less than ten years ending not more than five years before appointment. The term of office is seven years, which may be extended for special reasons, to be laid on the tables of the Houses of Parliament, by another five years.

(ii) The Governor-General's Executive Council consists of ordinary and extraordinary members. Of the former there must be five, and the King may when he sees fit appoint a sixth. The Commander-in-Chief is an extraordinary member, and if the Council were to meet in a province which had a Governor, a contingency which has not arisen in recent times, he would be another. Three of the ordinary members must be servants of the Crown with ten years' service in India, while one must be a Barrister or Advocate of five years' standing.

The Governor-General's Executive Council has a long history. From the earliest times of the East India Company the Governor of each Presidency had a Council composed of the senior Company's servants, sometimes to the number of a dozen or more. In 1772 Parliament intervened and passed an act appointing a Governor-General with a Council of four to Bengal, with supervision over the other two Presidencies. The first Government was the historic one of Hastings, Clavering, Monson, Barwell, and Francis. In 1793 the number of the Council was reduced to three. A law member

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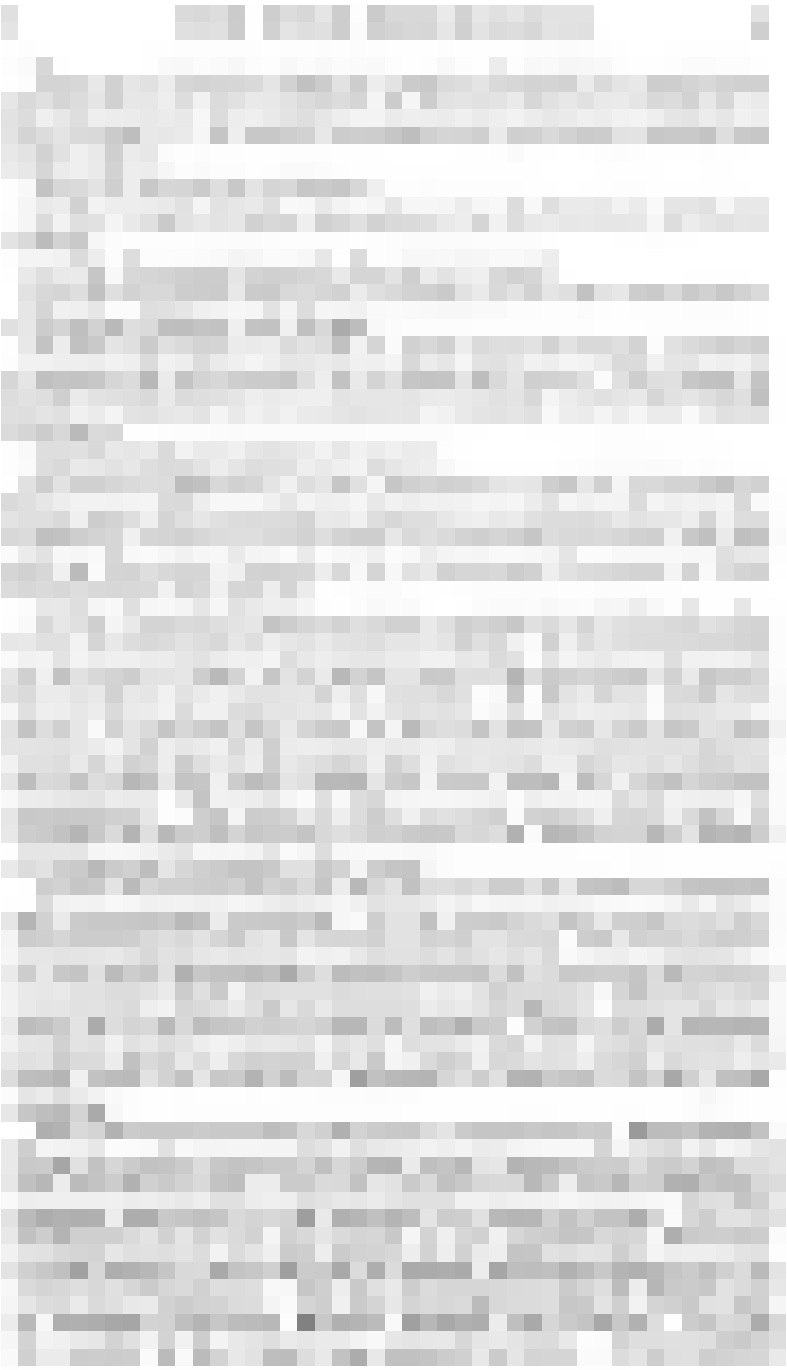

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(*b*) The first instance of a Council being appointed to assist a Lieutenant-Governor was in Bengal in 1910, the provision having been made in the same act as enlarged the Legislative Councils and forming part of the so-called 'Morley-Minto Reforms'. The organization was the same as in the Presidencies.

When Bengal and East Bengal were redistributed in 1912, Bengal becoming a Presidency, the new Lieutenant-Governorship of Bihar and Orissa received an Executive Council because it had been governed by one while part of Bengal. One was proposed for the United Provinces in 1914, but rejected by the House of Lords.

Two important matters which are not mentioned in any statute or statutory rule deserve reference. The first is that for all the great offices dealt with in sub-clauses (ii) and (iii) down, that is, to membership of a Lieutenant-Governor's Executive Council, no term is fixed for the tenure, but a custom, which is rarely departed from, fixes it at five years. The other is that, in the numerous laws passed from time to time to regulate the constitution of Executive Councils, it is nowhere prescribed that any particular member shall be European or Indian. It would therefore have been possible, as far as any prescription of the law is concerned, to have appointed Indians to any or all of the places at any time; but the first appointment of the kind was that of the Law Member of the Governor-General's Executive Council in 1909. Shortly afterwards the Executive Councils of the Presidencies of Bombay and Madras, which had for many years been left at the statutory minimum of two official members, had each an Indian member added to it, and the same course has been followed in the new Executive Councils in the other provinces.

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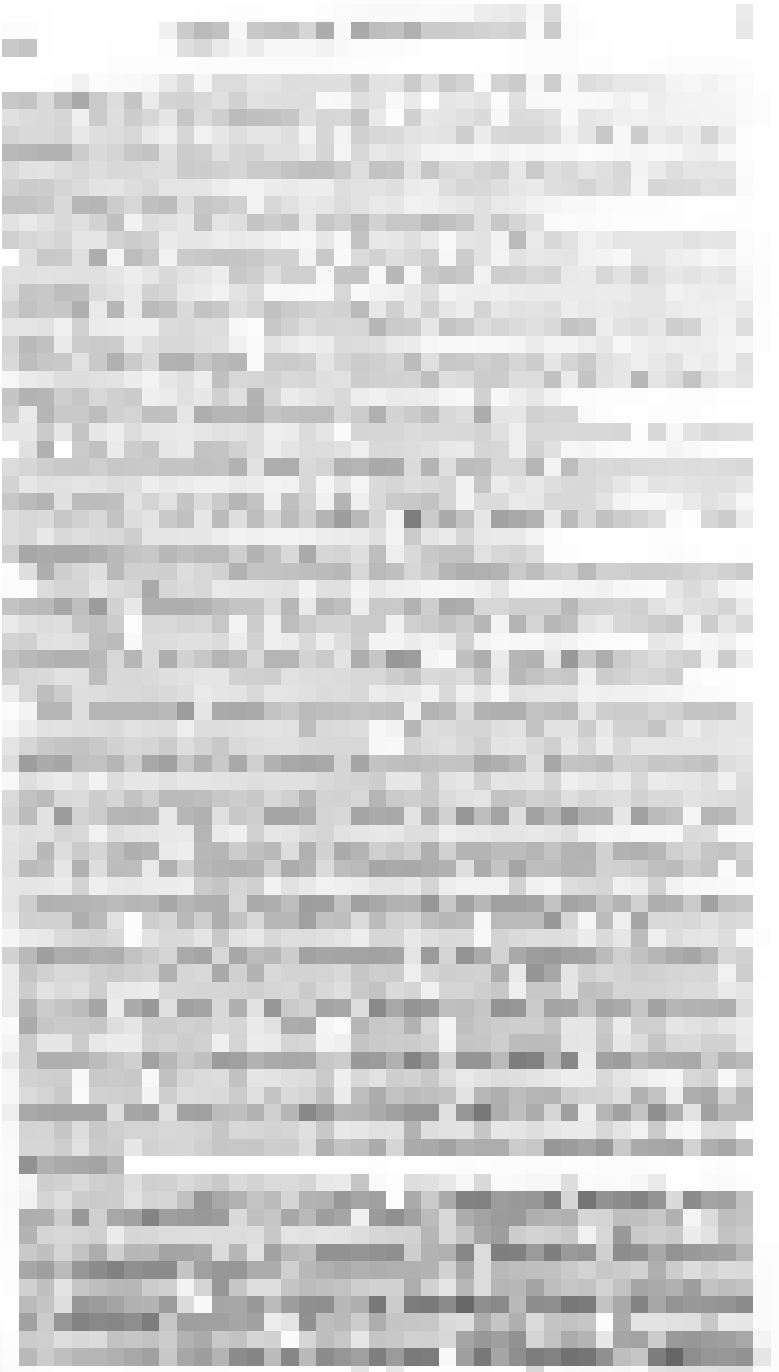

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CHAPTER II

CHANGES WITHIN THE EXISTING FRAME OF GOVERNMENT

§ 1. It will be well to consider first what changes can be made within the frame of government as it exists at present. Obviously there is very little room for change within that frame because comparatively small changes would result in transferring the reality of power in Provincial affairs *en bloc* from the Governor and his permanent officials to the elected majority of the Council, in fact in revolution. Short of actual revolution there is the risk that concessions may

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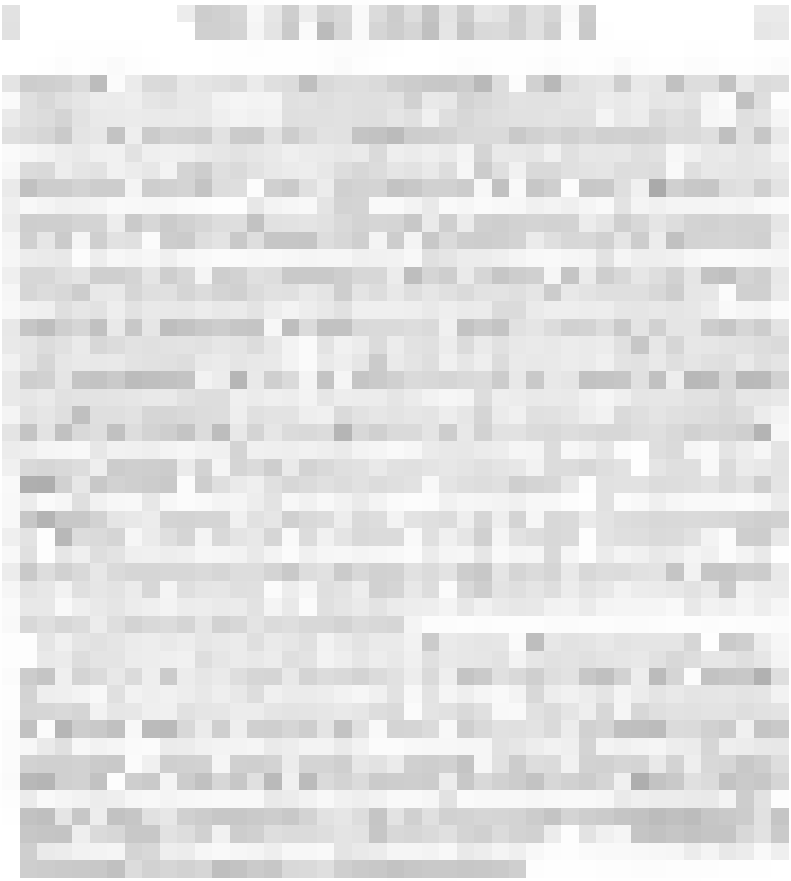

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Keeping these conditions in view let us begin our examination from the top. Membership of the Executive Council is the highest position below the Governor; for the last five years there has been an Indian member in all of the Executive Councils. One demand is for the increase of such members. To put them in a majority would practically be revolution; but, short of that, the addition of one member would still leave the Governor with an official majority, even if one of the two Civilian members were retrenched. The strongest objection to this, one which will certainly not escape any one experienced in Indian Government, is that to put the Indian members in a majority of one over, or even on an equality of number with, the official members (leaving the Governor out of the count) will place the Governor in a position so strained and delicate as to be intolerable. Put briefly he can at present avoid taking sides, except when he sees that the Indian has too strong a case to be ignored; in the other possible conditions he would have to form an opinion and take sides on every small question which was brought up, and that is too much to expect of a man without local experience. For a Lieutenant-Governor it would be less difficult, but he too would have the odious position of being constantly in opposition to his Indian colleagues. The position is impossible until the Indian members can be given such a degree of responsibility as will keep their demands within bounds. The tendency of the existing system being already towards the undue development of the critical faculty without concomitant responsibility, it is undesirable to make a change of which the main effect would be to intensify that tendency.

If increase of numbers is barred for the present can anything be done to make the existing membership more representative and acceptable? Election has been suggested, and it has been objected, reasonably perhaps, that the Governor should not have a colleague forced upon him.

Perhaps it would be a real advance if, while selection were left to the Governor, it were understood that he would ordinarily and whenever possible select from amongst the elected members, and would do so in a way to represent average opinion. This proposal is not without its difficulties. In the United Kingdom certainly there is generally one outstanding leader who must be summoned to form a

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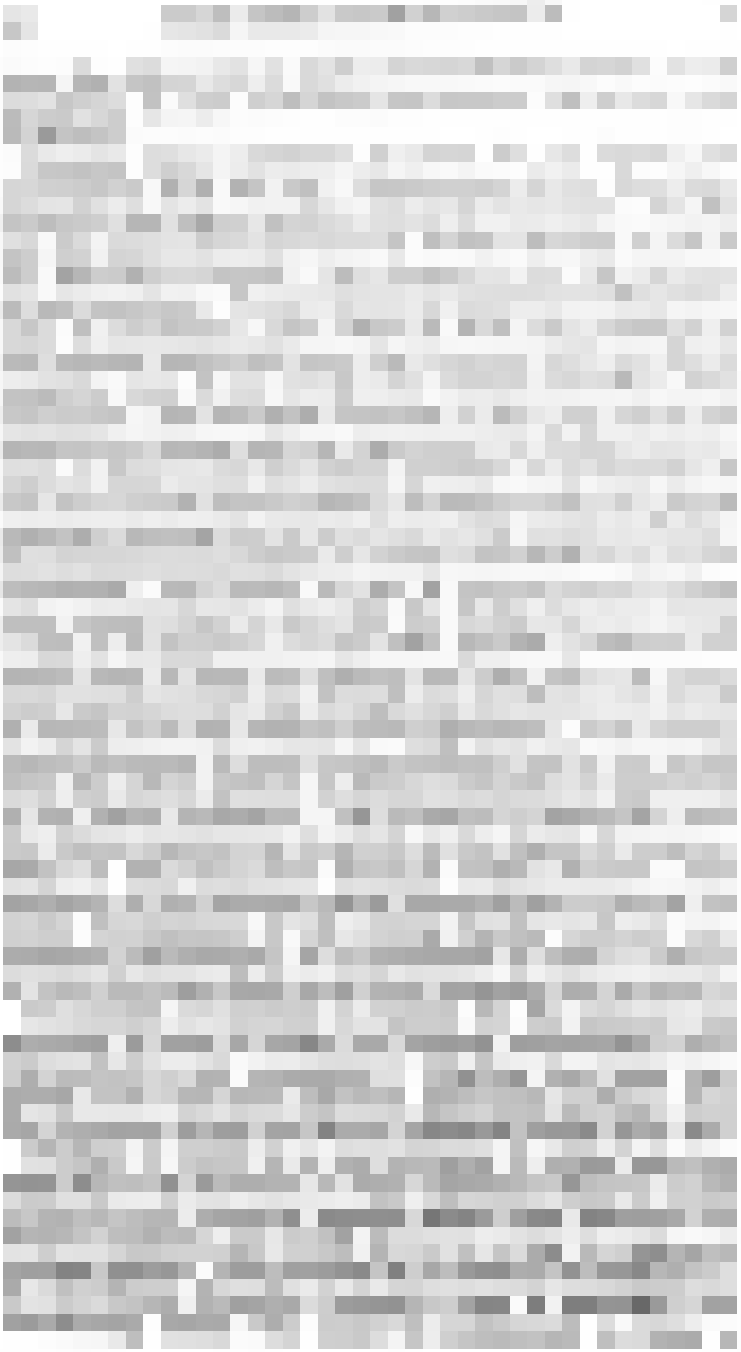

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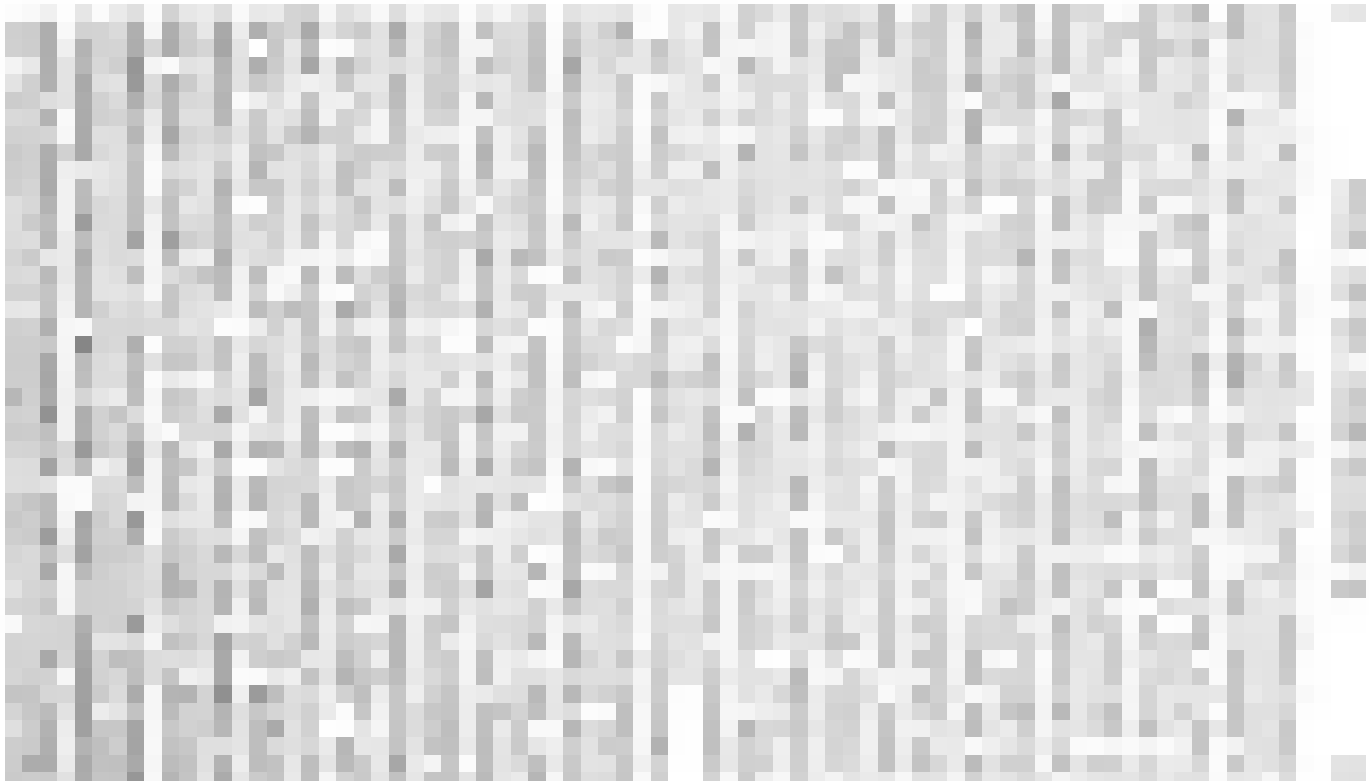
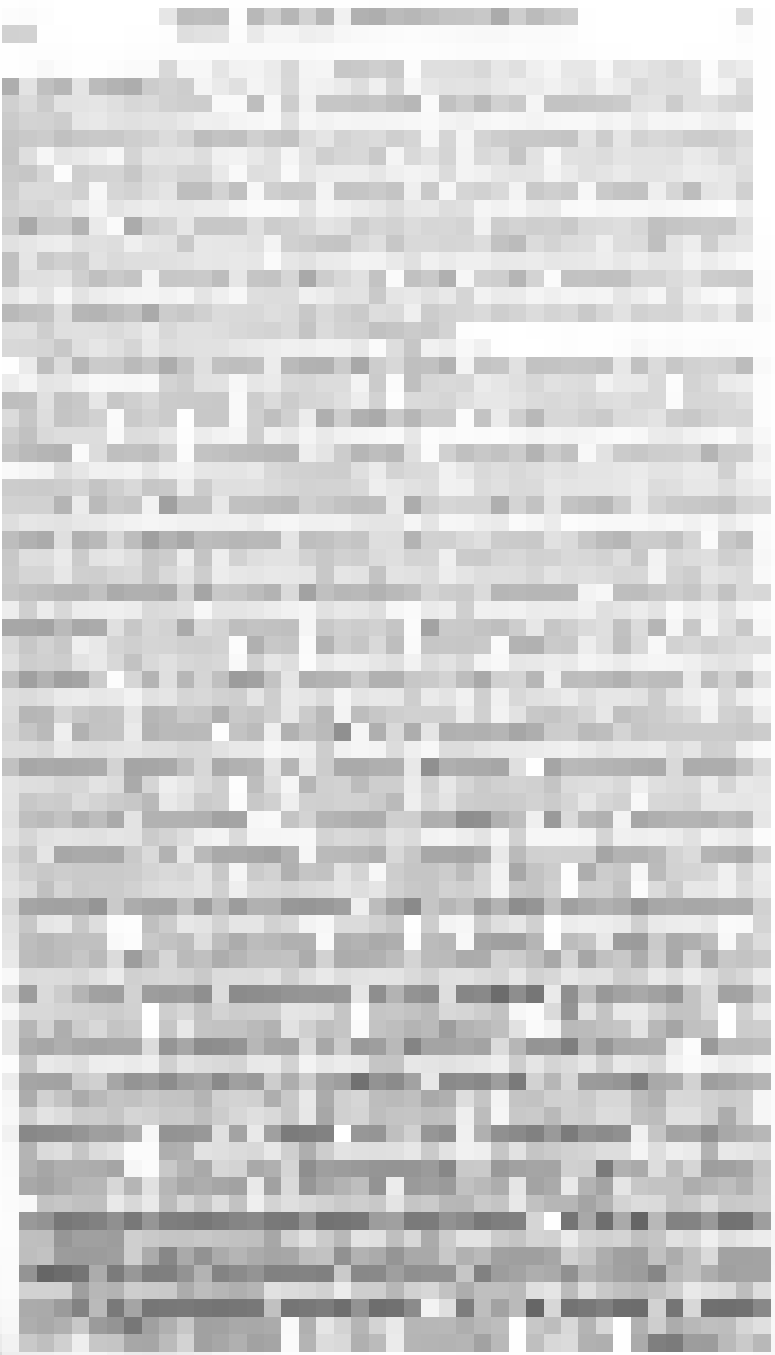


to the majority, for the official numbers can hardly be further increased. It is doubtful indeed whether for the moment any considerable increase of numbers is desirable. The 'intellectuals' are already very fully represented by lawyers and editors very much of one type and cast of opinion; and, before any considerable increase is arranged, it would be well to see whether any modification of the elective system would produce at least some members more truly representative of the smaller landowners and well-to-do traders who are numerous in Bengal.

It has already been remarked that the system of election by the non-official members of District Boards and Municipalities does not give satisfaction to advanced opinion. These bodies certainly formed convenient ready-made constituencies, and, probably, they contained the men who would have been elected under any system which required that the representative should have a local connexion, but from the point of view of giving any real measure of popular representation they are altogether too indirect. The elected members of the various boards, perhaps two-thirds of the whole, may have been elected years before the Council election. It is highly improbable that in connexion with their own candidature any question of Council politics has ever been raised, nor would it be desirable that municipal elections should turn on Council politics; municipal affairs would suffer, and the franchise is absurdly low even for municipal purposes. It would probably be an advantage if, instead of, perhaps, 20,000 people in a district being represented in so indirect a manner that they have no practical voice in the matter, 1,000 or 2,000 were represented directly. The franchise would be based on payment of cesses in the country and rates in towns, and should be fixed at a level which experience would suggest as giving a fair proportion of literacy and intelligence. There might be alternative professional or educational qualifications. Such direct representation is possible because it already exists for Mohammedans who are entitled to vote for their representatives upon a small but not insignificant property franchise. That the Mohammedan should have a direct vote for a member of Council while he has not, is already a loudly proclaimed grievance of the Hindu. With an increase of direct representation the elective system would at once obtain a more respectable character since the actual voters would be multiplied enormously. If it be decided to make any further increase in the numbers of the Legislative



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Councils, it certainly seems that the most reasonable and also the safest course would be to give most of it to persons directly elected by voters with a property qualification. The constituencies and the persons chosen by them would speak for a class which comprises the largest and possibly the most conservative interests in the country. The objection which might be raised that the smaller municipal and district board voters would be disfranchised would be purely academic, since this class has as yet acquired no scintilla of interest in the matter. The arguments for reform in the election of two of the largest classes in the Council apply equally in the case of the representation of the Calcutta Corporation and University, which is organized on the same indirect system without any increase of strength to Government, but which causes considerable popular discontent.

It should be clearly understood that any standard of enfranchisement which can reasonably be contemplated will give but a small number of voters in proportion to total population. Comparatively few can exercise any real political influence, and the result will probably only give one voter amongst several hundred people.

§ 3. Supposing that we have obtained a Council as representative as existing conditions will allow, the next question is what additional share in the Government we can give it. So far as the legislative function goes we have already been liberal. We have now to consider what functions of an administrative character can be given. Here we shall find ourselves closely hedged in by limitations of two classes. The first consists in the fact that there are important branches of the administration with which at present no Indian administrator would agree to the Legislative Council meddling, the second in the exceeding difficulty of finding fresh revenue for new enterprises. The most dangerous examples of the first class, the Army and the Railways, are protected by being under the direct control of the Government of India, but there are others of which it will suffice to instance the police. This department is excessively unpopular, and even those who might be expected to speak with a sense of responsibility will produce hare-brained schemes for dispensing with its most important functions or performing them by amateur effort. It would be necessary to protect this and probably many other departments from dangerous experiments by the Legislative Council.

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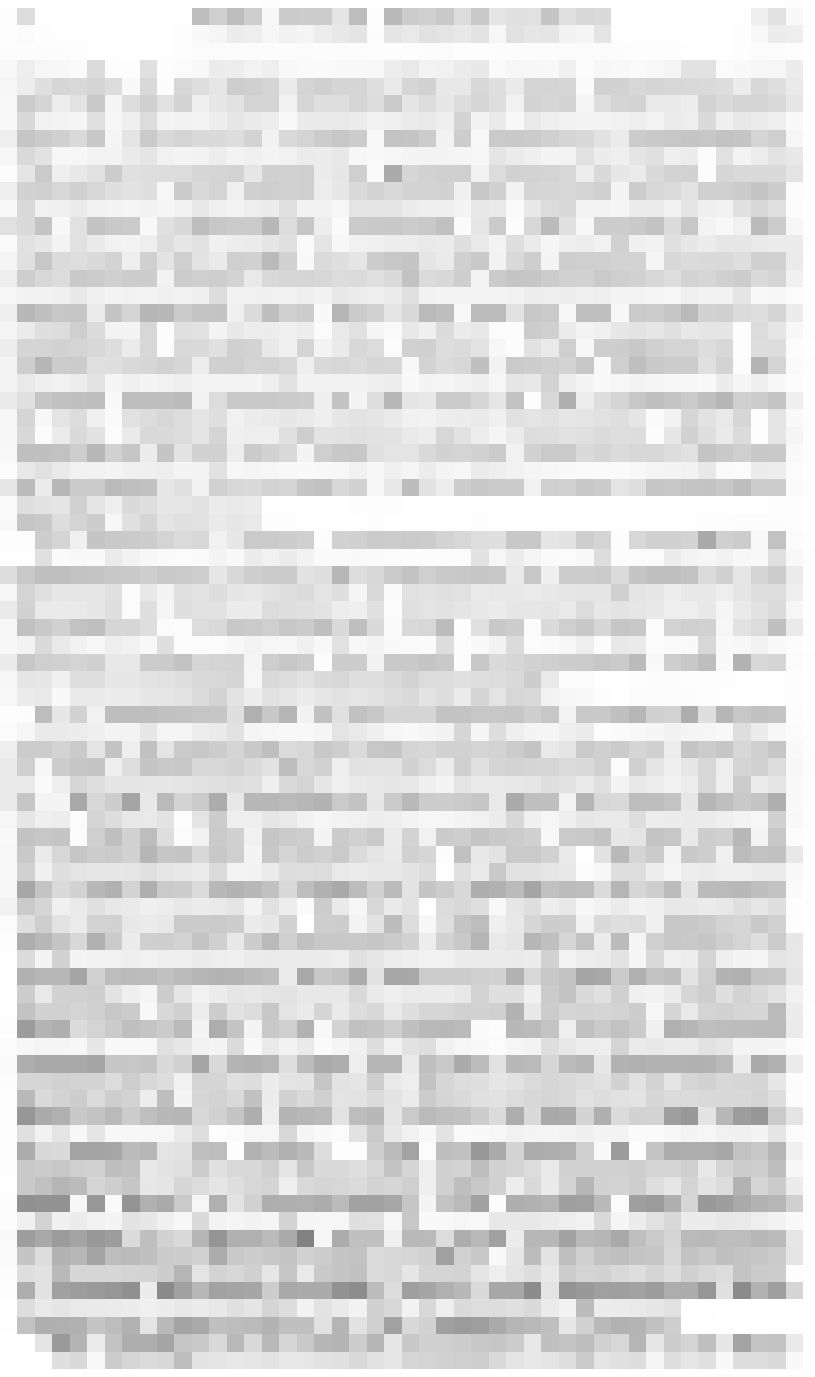

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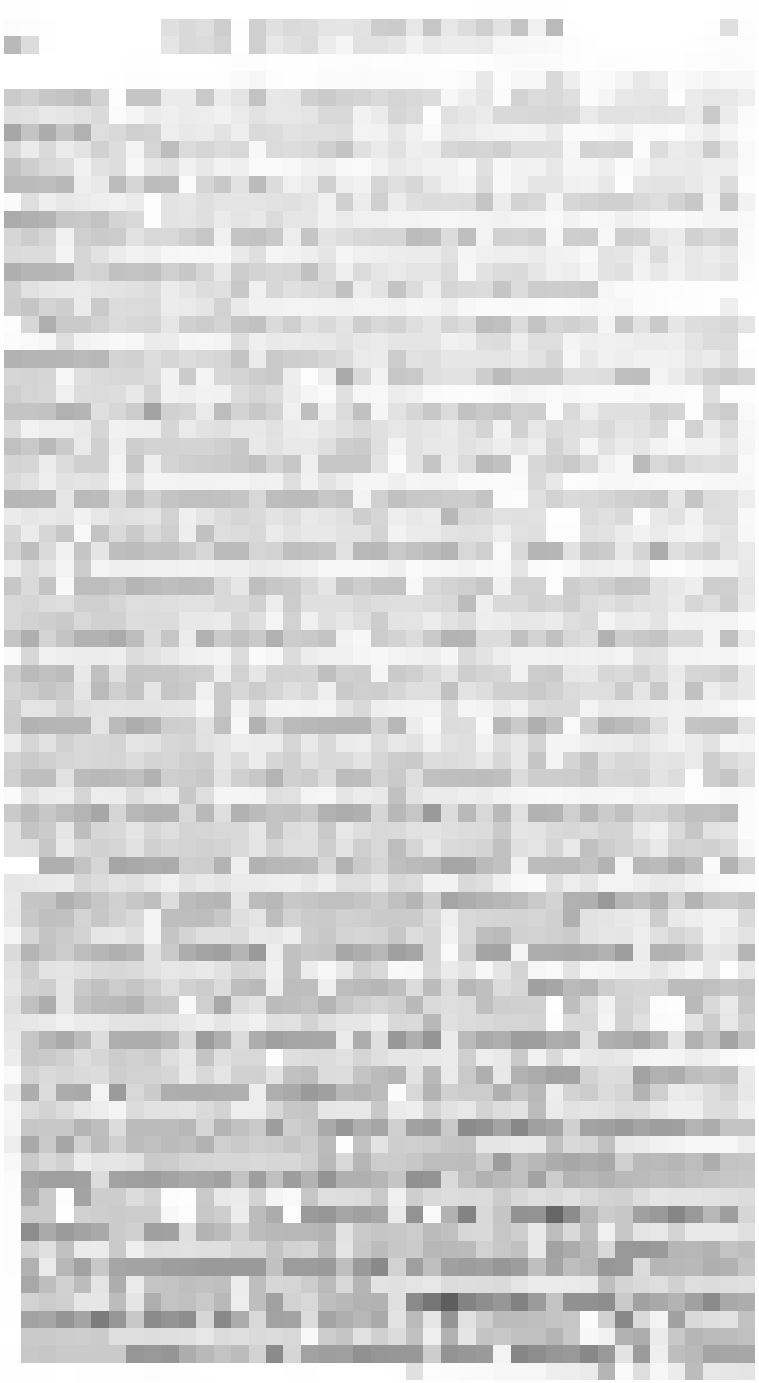
anything else on the maintenance of public order and security, and it is impossible that any branch of Government, the efficiency of which is considered vital to this object, should become the subject of rash or amateur experiment. It is because of the need of the strong hand in some parts of the field of Government that the autocratic system continues, although over wide ranges a much more liberal system might be both safe and desirable.

Where it is necessary to protect departments from rash interference the only apparent means of doing so is to withhold control of supply. The least safeguard that could possibly suffice would be for Government to retain the power of continuing the supply for such departments from one year to succeeding years. To this course, however, there are the gravest possible objections. The saving merit of our present system in India is efficiency. Law, at any rate, is enforced and order maintained. But the efficiency of a Government which cannot revise its estimates and bring them up to date in harmony with contemporary needs will rapidly be undermined. To enable elected members to refuse a revision of estimates year after year would mean giving them the power to deprive the existing system of its saving quality of thoroughness. It would enable them slowly but surely to ruin the character of the executive they were criticizing in order to bring pressure to bear on it. On the other hand it would make them in no way more responsible than at present for the proper conduct of public affairs.

One method by which the Legislative Council might be brought into closer touch with the realities of administration might be a system of Committees, comparable to those of the French Chamber of Deputies. The essential parts of that system are that the whole of the Chamber is divided into bureaux, the members being chosen by lot. Each bureau elects one member to each Committee which deals with projects of law, and three to the Budget Committee. So far as concerns legislation, the system of select committees, elected by the Council and generally representative of all the interests involved, is probably as suitable to present Indian conditions as anything that could be borrowed from the French. In the system of the Budget Committee, however, with its separate commission for each department of the administration and with a reporter for each commission it is possible that fruitful suggestions could be found, although there are also snares to be avoided. The French system appears to be intolerably slow, resulting in a great



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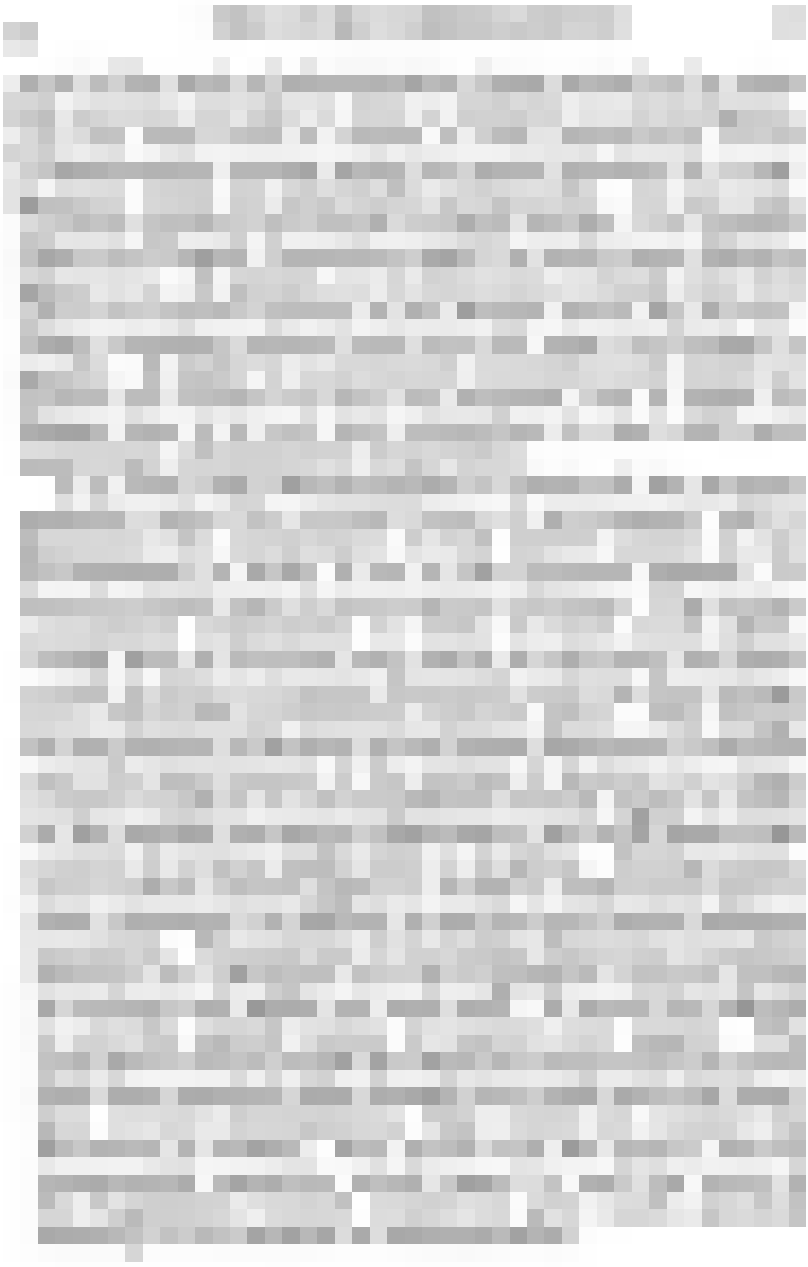
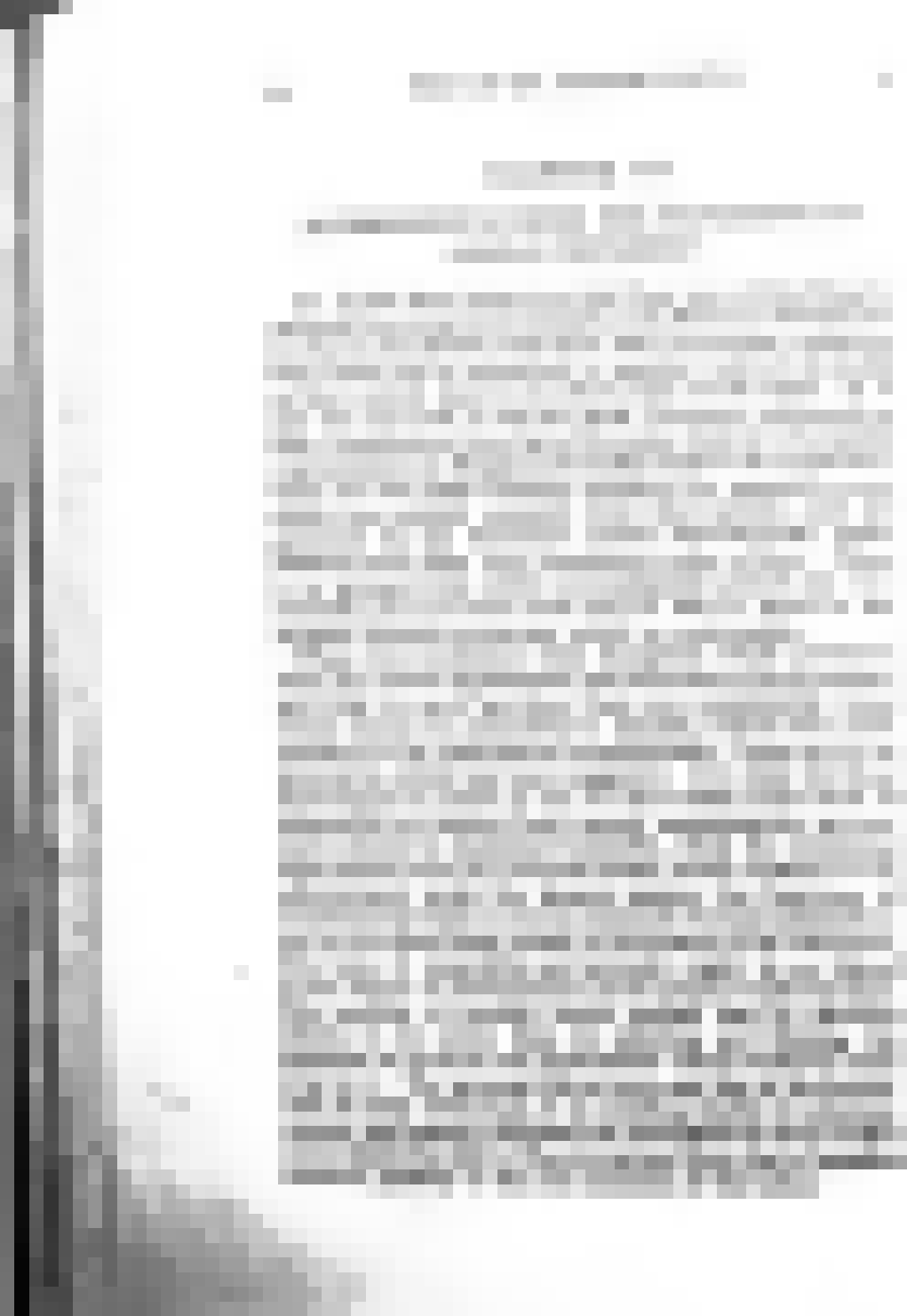


CHAPTER III

ALTERNATIVE SCHEME FOR EXPANSION OF SELF-GOVERNMENT

§ 1. It has been insisted on that there are certain Departments of Government, the integrity and efficiency of which are so vital to the British connexion, that in existing conditions they could not be submitted to popular control, desirable as that control may be in other parts of the field. It is also the case that in all the great Provinces, although in their constitution they have the same element of popular representation as Bengal, and similar need for its expansion, there are also large districts inhabited by primitive races which are entirely excepted from that system, and are governed by the Executive purely autocratically under different and often very elementary codes of law. There is no prospect that within any assignable period any considerable part of these areas will be able to share in the progress towards autonomy which we contemplate.

These two conditions—that thoughout whole provinces there are certain departments and functions of government, and that in each province there are considerable areas which cannot be submitted to popular control but must continue to be administered autocratically—bring us to an alternative which has been suggested. It is that for these departments in which it can be done safely some form of responsible as distinct from merely representative government should be instituted forthwith, while the remaining departments and the excepted areas would continue to be administered under the present system, the functions of constitutional ruler in the one case and of actual administrator in the other being united in the person of the Governor. The type of responsible government might be as liberal as the degree of development of the people would warrant. The exercise of caution would operate less by devising checks on its action than by selecting and limiting the branches of revenue and expenditure which would be made over to it. The proposal has at any rate this in its favour, that it takes advantage of an existing duality in administration, and merely readjusts the boundaries so as to define more clearly the field of the strong hand from that of popular freedom, possibly to the real extension of the latter.



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The suggestion is that for such of the departments of Government as were made over to it, the Legislature should be really supreme, and should administer by an executive chosen from its own members and responsible to it. A question which meets us *in limine* is whether the remainder of the Government should continue as at present with the admixture of the popular element which it has already acquired, or should the reserved departments be managed autocratically as they were when there was no popular element? There can surely be no doubt that the former alternative is the correct one. If the great majority of the departments were to be made over and only one or two to be reserved there might be little objection to placing the latter under the autocratic control of the ruler. We must assume, however, that the opposite condition will prevail, that at first only a small portion of the burden of government will be made over to the popular representatives and that tentatively. In that case the rest must remain as at present. To act otherwise would mean retrogression not merely in appearance but in fact; it would mean, for instance, that such influence as the elected portion of the Legislature has already exercised on police legislation had been negative, or even positively harmful—a position which could not easily be established.

§ 2. In contrast with the proposed experiment in responsible government, the other portion has been just spoken of as continuing as at present. It will, however, be understood, that the various changes within the existing frame which have been discussed in the earlier part of this memorandum, will, or may be, applicable to that portion. For instance, the system of Standing Committees, while perhaps not suitable for all Departments, would serve as a training ground in the administration of such as might later on be transferred to the responsible section of the Government.

A further question is—Would the new Legislature be the same as the existing one, or elected on a different system? It might seem desirable that a popular assembly, especially in so populous a country, should be much more numerous than the present popular element in the Legislative Councils. Experience has, however, shown that if all classes and interests are to be fairly represented the number of reasonably competent men available is extremely limited. If it were only a question of representing the 'intellectuals', scores or even hundreds of lawyers and editors would come forward, but such men can only represent their own class, while

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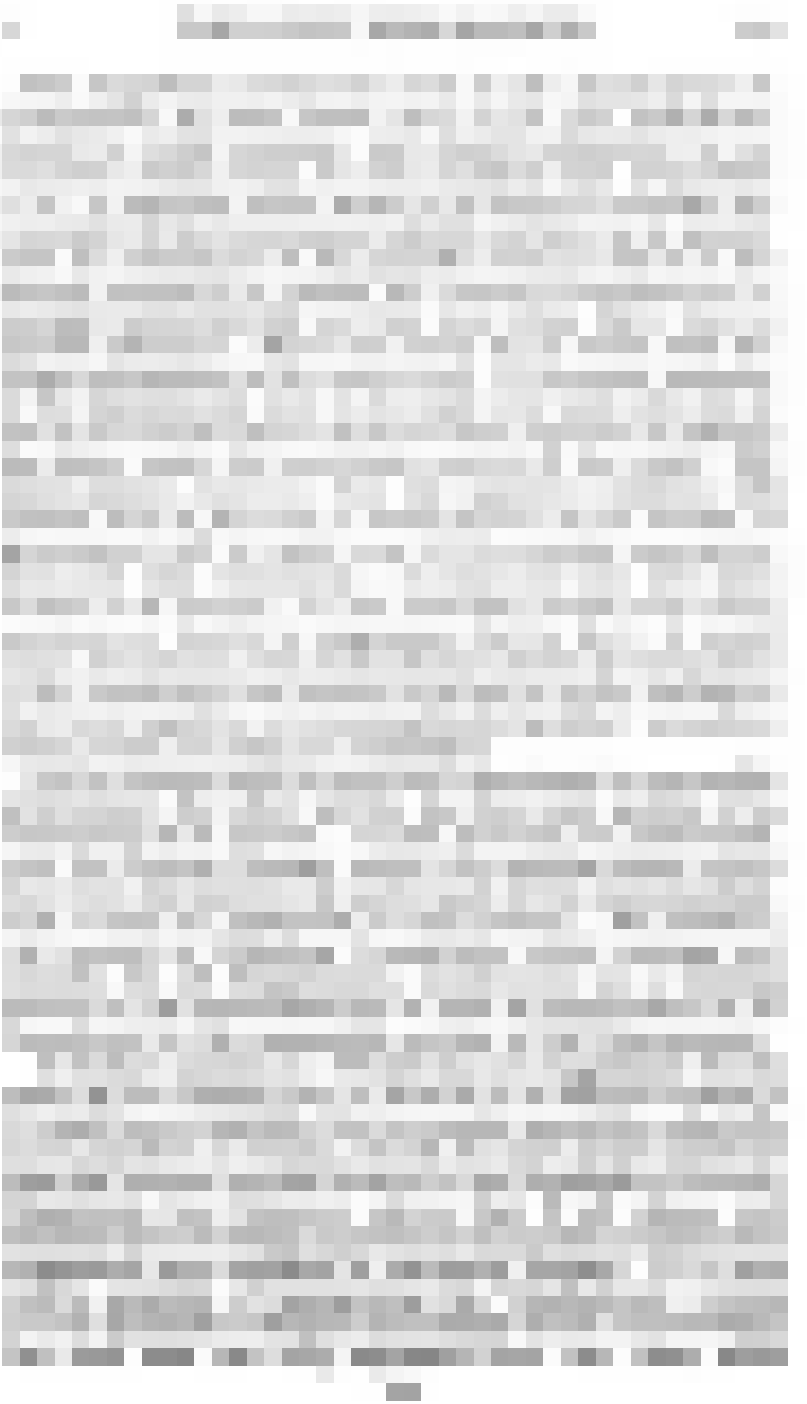

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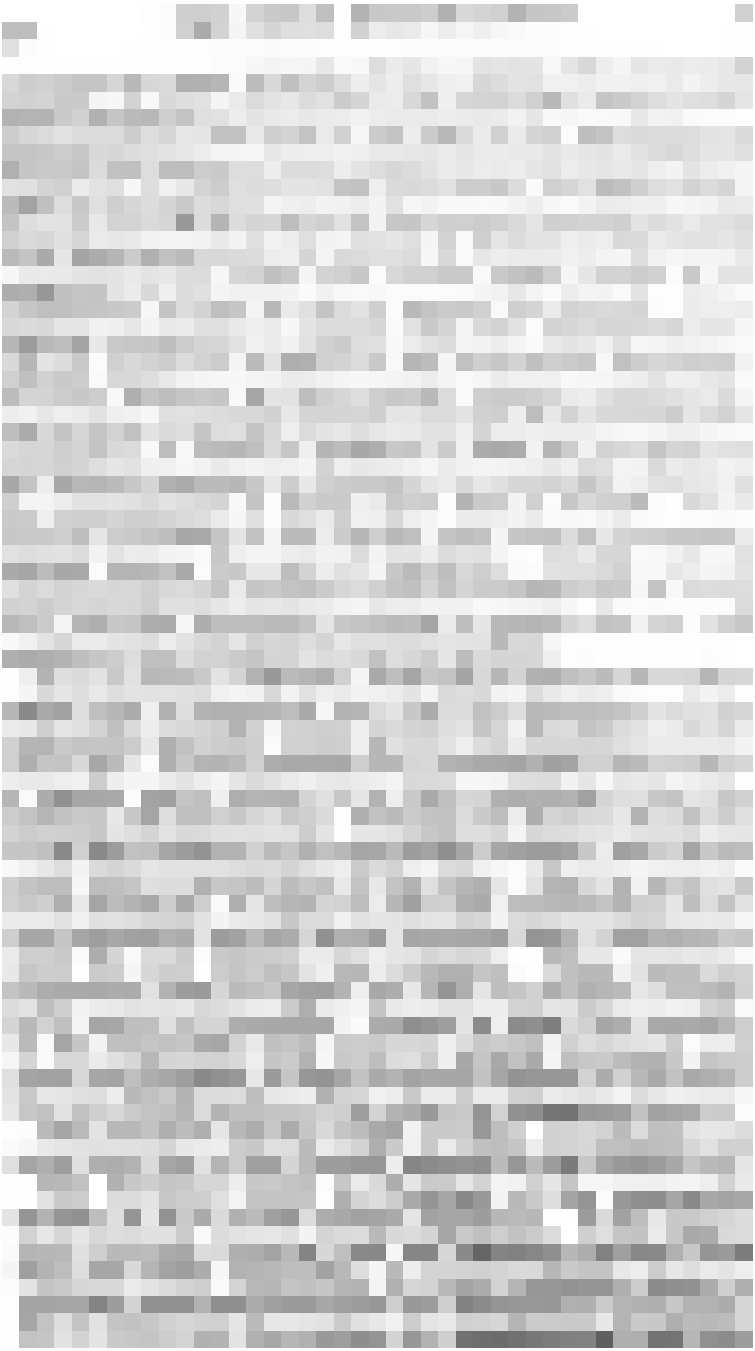
It is, no doubt, a difficulty, although perhaps in the earlier stages only a theoretical one, that the dissolution of the responsible assembly would involve the dissolution of the other also. It will probably be a considerable time before a regular party system is so fully established that the difficulty will become real. Probably the election should be in the first instance to the responsible assembly, and should carry with it membership of the other. Also, in order to avoid deadlocks, it might be well that membership of the non-responsible portion should continue after a dissolution until the new election was complete. These tentative suggestions have no higher aim than to propose a bridge for a period of transition. Sooner or later, the numbers of the responsible body must be greatly increased, and when that happens, it might be found suitable to constitute the non-official portion of the other by delegation from it.

The executive should consist of three, or certainly not more than five, of the Council, selected as all Cabinets are.

The Governor would be President of the responsible section, as he is of the present legislature. If the experiment matured, however, and the assembly showed itself sane and really responsible, he would probably desire to withdraw more and more from its deliberations and gradually to retire into the position of a constitutional ruler who



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§ 3. Having obtained a Legislature and a Cabinet, the next question is what it should be given to do, and how it should be provided with the means of doing it. The departments of Government have been enumerated near the beginning of this paper. We shall consider first the administrative departments which might be suitable for transfer, and then the revenue-producing departments which might support them. Some, of course, partake of both characters. It is in those under the General Secretary—

(*a*) Education;
(*b*) Local Self-Government;
(*c*) Sanitation;

that the public are most generally interested, and it is regarding those that there are most demands for improvements.

Other Departments which might be found suitable for transfer at an early or comparatively early stage are—

(*d*) Registration;
(*e*) Co-operative Credit;
(*f*) Agriculture;
(*g*) Forests;
(*h*) Public Works.

From some of these the first instalment might be formed, but the amounts of instalments and the question of times and seasons are matters to be settled by the responsible authorities. There is much to be said, however, for insisting

is consulted by the Executive, but takes no part in the deliberations of the assembly. The transition stage might be provided for as follows: There would be an official Vice-President who would replace the Governor when he desired to attend but was prevented from doing so. There would also be an elected Vice-President who would preside when the Governor or his substitute did not appear and who should eventually develop the character of a Speaker. In the early stages of a representative assembly without practical administrative experience, it would be well to provide for a hearing to be given to the voice of official experience and authority. It is not desirable that the Governor should habitually lecture the assembly. His addresses should be limited to occasions of exceptional gravity. It might, therefore, be provided that the Governor should have the right to send a representative to address the House on any subject before it as an expert who should have all the rights of a member for purposes of debate but not of voting.

§ 3. Having obtained a Legislature and a Cabinet, the next question is what it should be given to do, and how it should be provided with the means of doing it. The departments of Government have been enumerated near the beginning of this paper. We shall consider first the administrative departments which might be suitable for transfer, and then the revenue-producing departments which might support them. Some, of course, partake of both characters. It is in those under the General Secretary—

(*a*) Education;
(*b*) Local Self-Government;
(*c*) Sanitation;

that the public are most generally interested, and it is regarding those that there are most demands for improvements.

Other Departments which might be found suitable for transfer at an early or comparatively early stage are—

(*d*) Registration;
(*e*) Co-operative Credit;
(*f*) Agriculture;
(*g*) Forests;
(*h*) Public Works.

From some of these the first instalment might be formed, but the amounts of instalments and the question of times and seasons are matters to be settled by the responsible authorities. There is much to be said, however, for insisting

that the first experiment should be really experimental. It might be made definitely for a period of five years, a further extension or even its continuance to be dependent on the results. But if it were renewed at all, it should be for some definite minimum period.

One of the most important practical difficulties would be the delimitation of the spheres of the two Governments. Departments come in contact and may overlap at a hundred points with unlimited opportunities for friction. The one possible safeguard is to make the Governor the sole and final arbiter of such questions.

The transfer of (*a*) Elementary Education and of (*b*) Local Self-Government would be peculiarly easy, because they are already administered by bodies which are mainly composed of non-officials.

It will be convenient to describe briefly what the relations of Government to local self-governing bodies are. The laws under which they are constituted give the Government power to see that the functions for which they are appointed are carried out. If they fail to perform them, if deliberately or by neglect they cause oppression, it may suspend their resolutions, or it may supersede them temporarily and administer their duties by its own agency until defects are remedied. In cases where they have failed to assess justly, or to collect their taxes, and have suffered the administration to deteriorate to a scandalous degree, Government has not failed to apply the remedy. These disagreeable duties have fortunately to be performed but rarely. Constructive action is as much more frequent as it is more satisfactory. India is still deficient in most of the commonplace conveniences of modern civilization. The need, and of late the demand, for schemes of water-supply and drainage, and better equipped hospitals has become pressing, while everywhere there is the difficulty of lack of the necessary agency and of money. Government acts by suggesting schemes when they are not suggested locally, by lending experts to prepare or revise them, by advising on finance and pressing for such increases of rating as will support them. Usually any satisfactory scheme is found to be beyond the immediate resources of the body concerned. When public liberality has done what it can, Government will lend the rest upon the security of the rates as far as they can go, and if that is still not enough it will probably grant a subvention from the provincial revenue. Finally, if the local body has no officer technically competent to carry out the scheme Govern-

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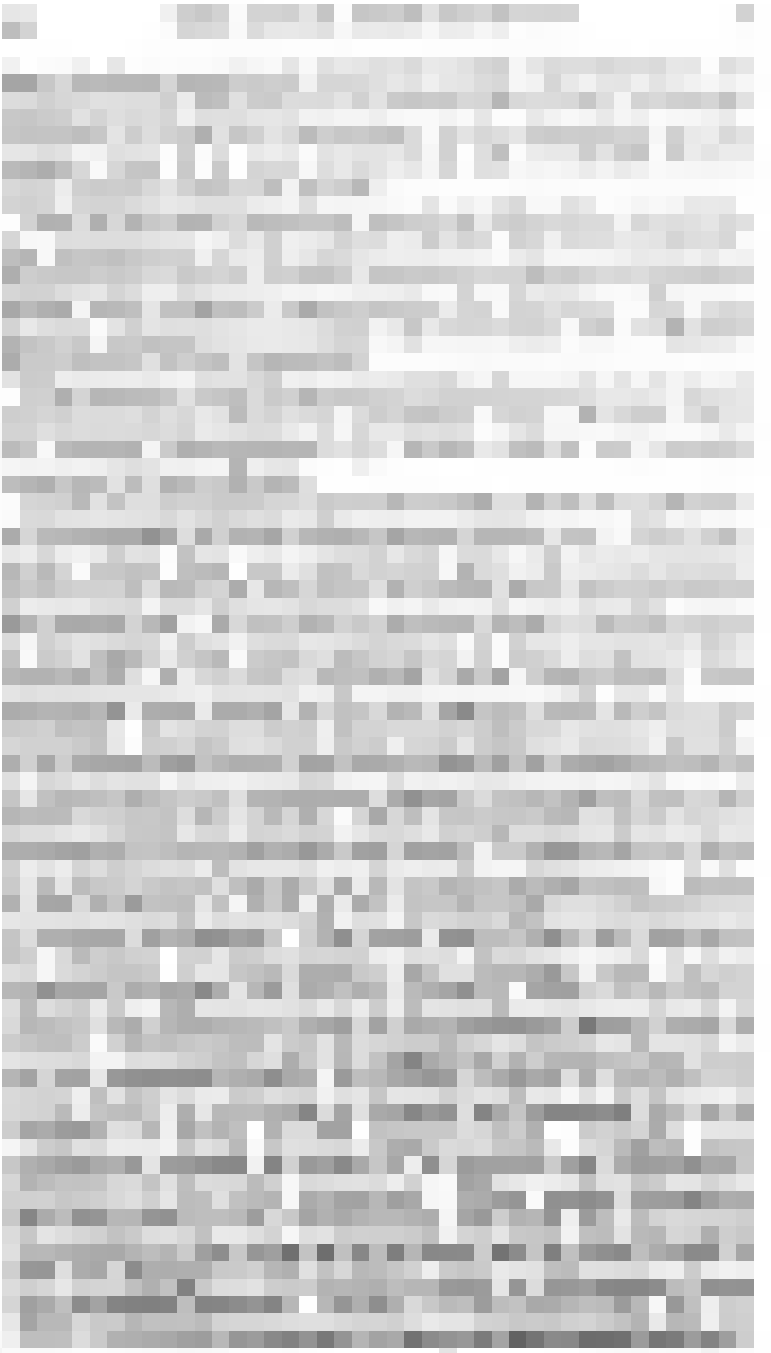

ment will provide one, probably from its staff of sanitary engineers. With work of this kind the educated Indian of the present day is peculiarly in sympathy, and it is therefore suggested as suitable for his first essays in administration.

At first, at any rate, business might be conducted through the present official channels. District Officers and Commissioners have been used to work with these bodies, to assist them in their difficulties and to be patient with their shortcomings, and when the appeal was made to them they would probably continue to work cordially under the new Executive. If they found it impossible to do so the character of the work conducted by self-contained organizations makes it possible to place it under the direct control of the Executive.

(*c*) Sanitation may be included with Self-Government. The Sanitary Department of a Province consists of a Sanitary Commissioner and his Deputies and of a Sanitary Engineer and his assistants. The work of the former class of officers consists mainly in inspection and in advising local bodies as to improvements. The engineering staff are employed mainly on advising and executing water supply and drainage schemes on behalf of municipalities. It is natural, if not inevitable, that work of this kind, which is really the most important work of local Self-Government, should come under the same control as the rest of that subject.

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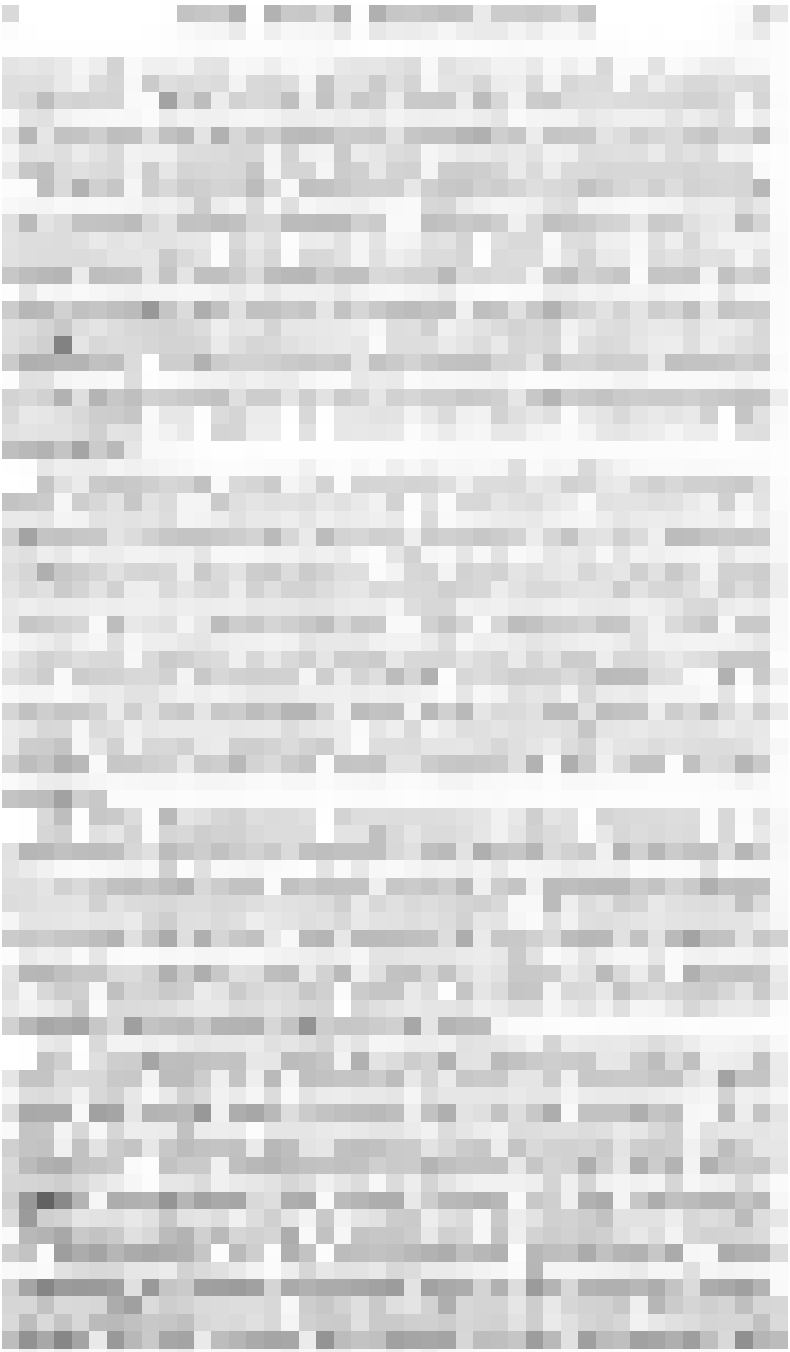
(*e*) Co-operative Credit is a most important matter; we may hope that it is destined to have an immense effect upon the social and economic life of the country. It is still in its infancy, and requires close attention and expert guidance. Any widespread breakdown in the early stages might compromise the whole future of the movement. These are reasons why it would not be suitable to transfer it immediately to an inexperienced government, more especially as Indian politicians have so far remained singularly indifferent to it. But the policy is to create Provincial Banks for the control and finance of the movement, and



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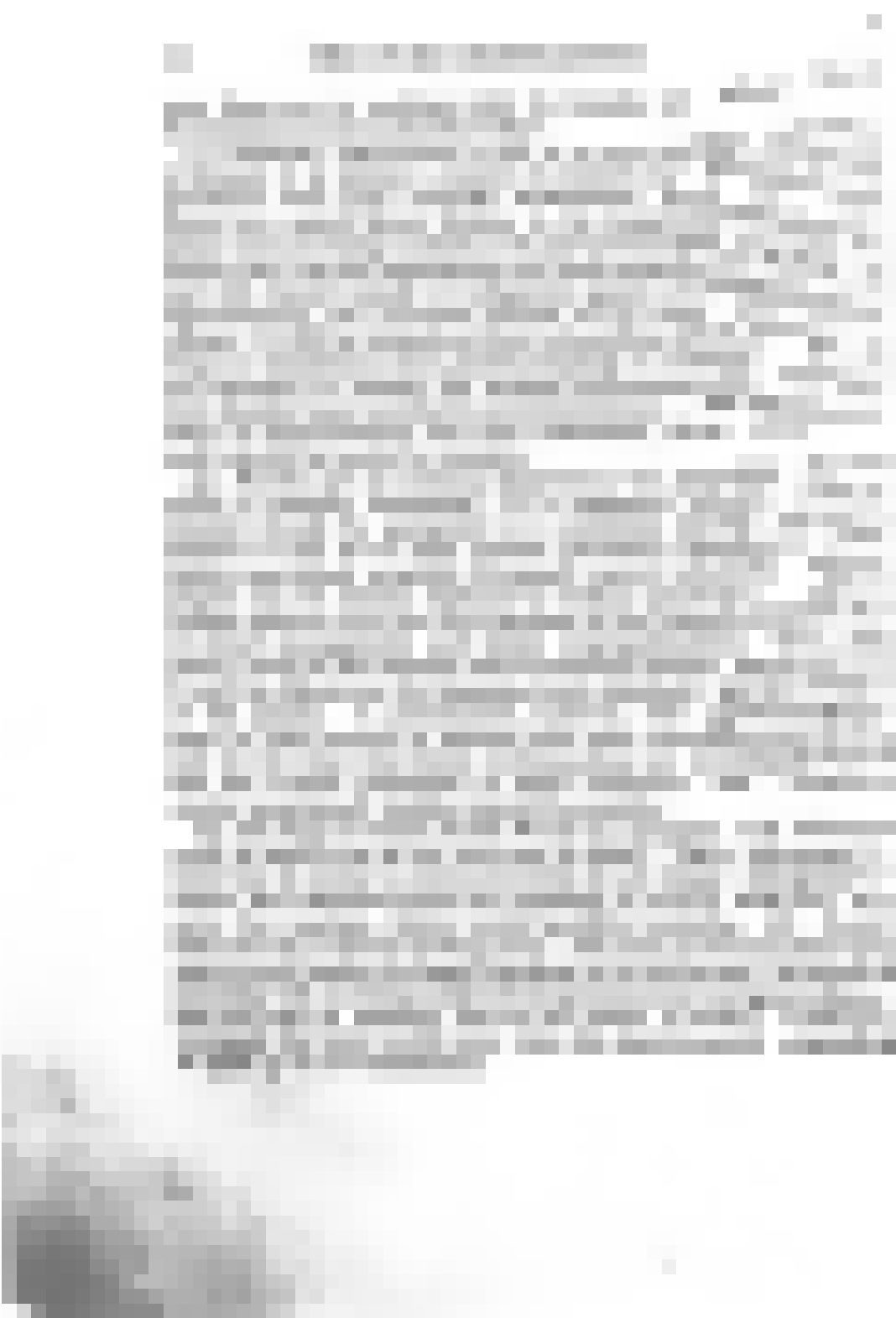
(*g*) Forests are an earning department, the profit from which is steadily increasing. It is suggested that their transfer should be postponed to a somewhat late stage, because it will be at least another generation before the highly specialized scientific European control which they require can be mainly replaced by Indian agency. Also Indian opinion is as yet very ignorant of the potentialities of forest management and rather unsympathetic to its policy, owing to the friction which constantly arises between it and the disastrous but ingrained and cherished practices of the people. A government, however, will generally treat its best sources of revenue with some consideration, and by the time that forest working plans are completed and the correct principles of forest treatment in India clearly ascertained, transfer should be possible.

(*h*) The stage at which Public Works or a portion of them could be made over is not very easy to define. The department has of course to carry out works for all other departments, and therefore from the beginning it would have to serve two masters, which would probably trouble it but little since it is used to serving many. The older government which would make the larger demands on its services would naturally wish to retain control of the personnel and organization as long as possible, but as the sphere of the other increased the time would come when the department could be split up if not transferred.



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CHAPTER IV

FINANCE OF SELF-GOVERNMENT

§ 1. If the functions of Government are to be divided into two portions under two separate executives, the revenues must also be divided, and it is necessary to consider what arrangements could be made to finance the new or responsible portion.

The apparently natural course would be that out of the heads of revenue at the disposal of the Provincial Government one or more should be made over which would suffice to meet the charges of administration of the departments transferred, and that they should be selected as having a prospect of expansion which would correspond to the expectation of normal development in that administration. In practice the problem is not likely to admit of so simple a solution. Indian revenue is peculiarly responsive to the vicissitudes of the season, the business of Indian budget-making has not inaptly been called 'a gamble on rain'. A failure of the monsoon means loss of crops, loss of land revenue, loss of railway earnings, as well as great direct expense in the relief of famine or scarcity. These are the more conspicuous and direct consequences, but the effects are felt in almost every department of the revenue. Excise, customs, salt tax, stamp fees on litigation, all reflect the diminished spending powers of the people. In budgeting, as they usually do, for a moderate surplus the Government of India doubtless allow for the probability of a poor monsoon in one or two of their provinces. A widely extended failure will convert their surplus into a deficit, while adequate and well-distributed rainfall over the whole of India, a contingency which sometimes, although too rarely, occurs, may swell the surplus to a figure beyond the usual experience of countries which enjoy more stable conditions.

The uncertainty of its revenue has rendered the Government of India reluctant to assign separate heads of revenue to the provinces. In the day of trouble they may be unequal to the charges for which they are intended, or on the other hand they may permit of local extravagance while the country at large is starving. The Government of India therefore long clung to a policy of fixed assignments to the

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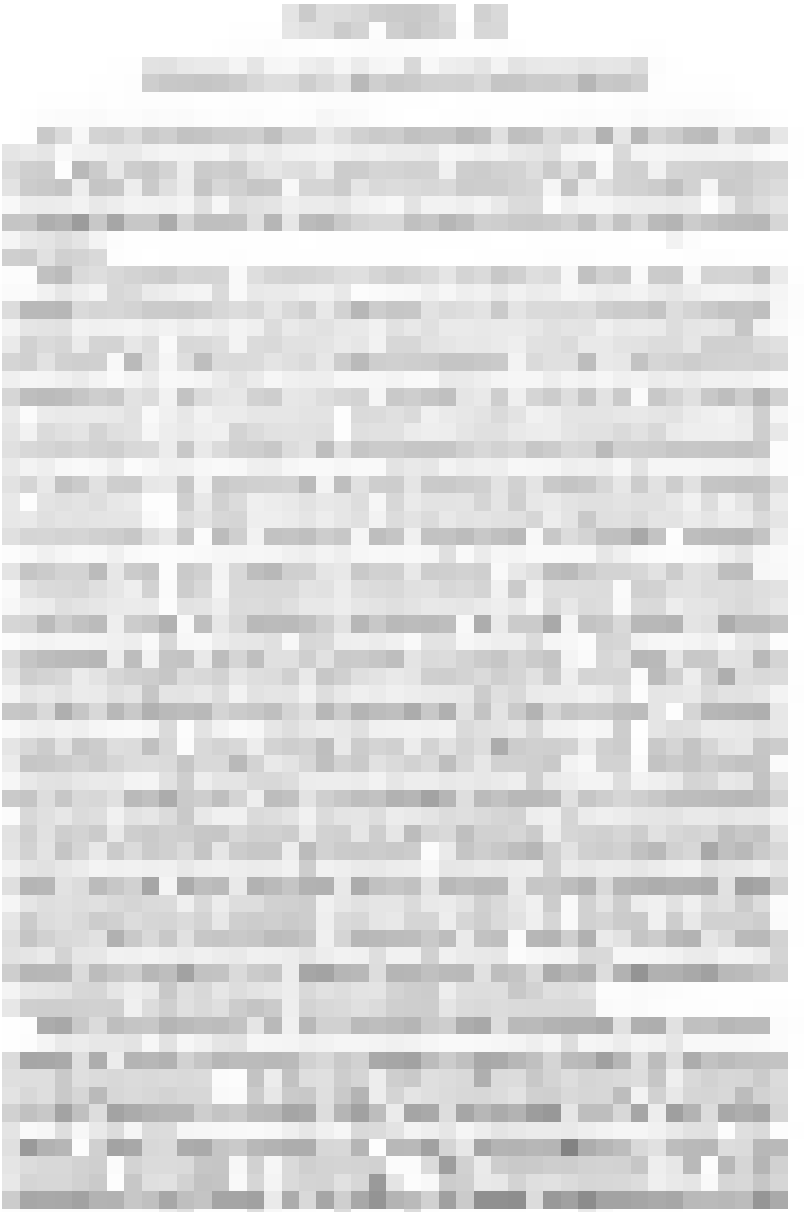

provinces, fixed, that is, for a term of years, while, when at the end of a prosperous year it found itself in possession of a large surplus, it used it to make to Provincial Governments doles on which they had principally to rely for launching any schemes involving large initial expenditure. These conditions are gradually being mitigated, the increase of irrigation, the extension of railways, and of manufactures, the exploitation of minerals, all tend to make the revenue less dependent on seasonal vicissitudes, and by slow degrees the Government of India has found itself able to make over completely to Provincial Governments some substantial heads of revenue of an expanding character. With smaller resources, more liable to be seriously diminished by the local failure of a monsoon, Provincial Governments are likely to feel at least as great a difficulty in dividing their revenue by separate heads. It is probable that they would insist on providing for the new section of the Government to a great extent by assignments of revenue fixed for a term of years but supplemented in good years by a share of their surplus. It is of little use to dwell on the demoralizing tendencies of a system of doles when essential characteristics of Indian finance render them inevitable.

These features of Indian revenue have been enlarged upon to what may seem an undue extent because, obviously, the control over and management of revenue is a most essential feature of a responsible Government, and to the extent that it is deprived of these duties its responsibility and its opportunities for training in practical administration are diminished. It is still open to us to hope, however, that the portion of the income of the responsible Government derived from fixed assignments would be as small, and that derived from separate revenue departments under its own control as large, as possible, and with this purpose heads of revenue which might possibly be transferred will be examined.

§ 2. Heads which are at present shared between the Government of India and the Provincial Governments such as Land Revenue and Stamp Duty need not be considered, since there is no object in transferring revenue from specific heads unless the responsibility and training in administration involved in their management can be transferred with them. Much less would specific transfers be made from those which, like Customs, Salt, and net Railway earnings, the Government of India reserves for itself.

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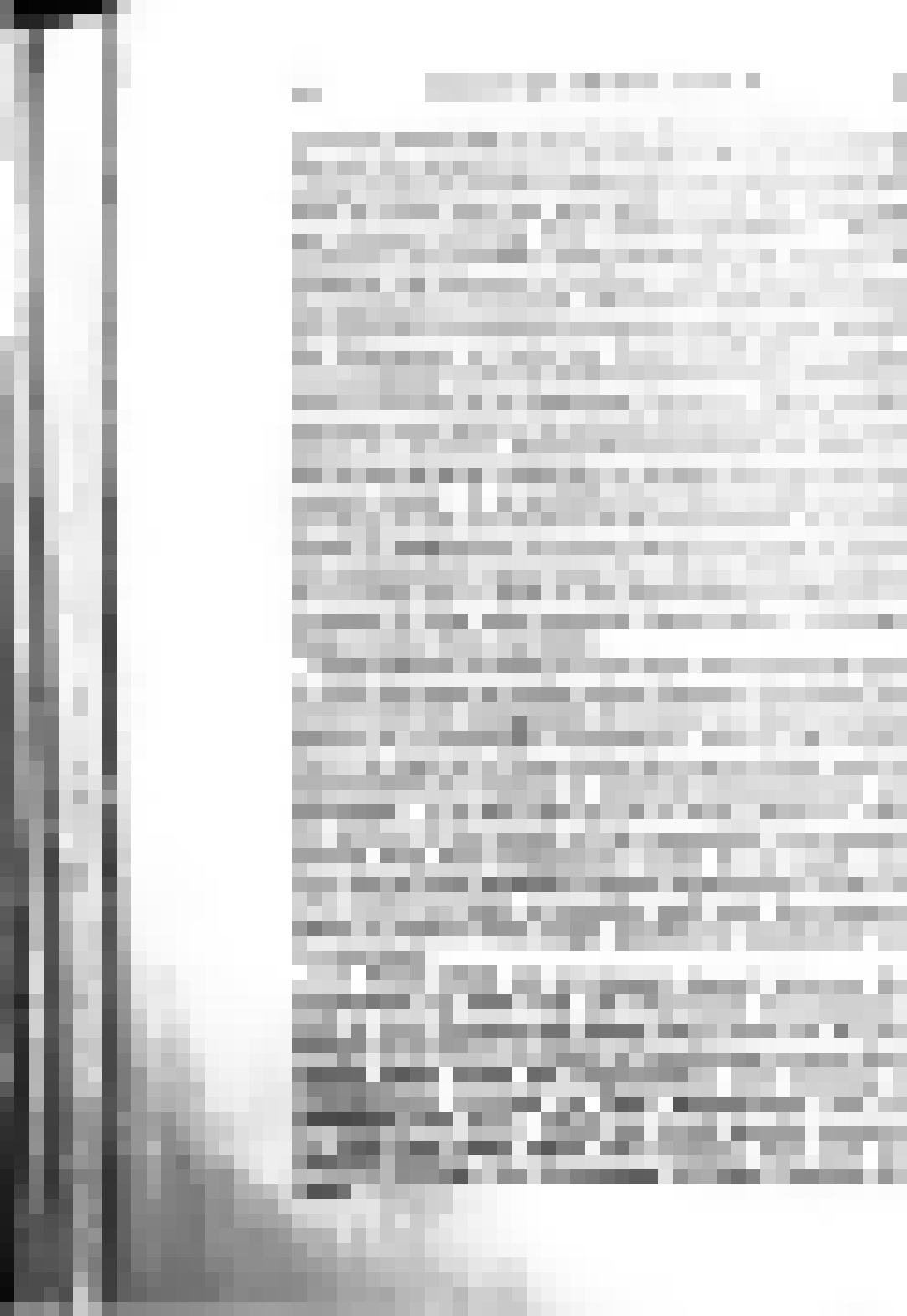

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(*b*) Cesses on Land.
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(*d*) Forests.
(*e*) Excise.

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The difficulty of finding fresh revenue has probably been but little considered by ordinary Indian politicians, because they have not begun to realize the necessity. Many of them are at the stage of supposing that if the revenue is four millions they have four millions to spend at pleasure; that, for instance, £100,000 can be taken from the police and spent upon education. The cries of the Poverty of India and the Burden of Taxation have been repeated till they have become settled articles of faith, and minds recoil from the possibility of having to increase taxes or to devise new ones. Very little practical handling of affairs would, however, soon teach that nothing is more difficult than retrenchment, especially in a country which has always been parsimoniously administered, and before long they would begin to search for new sources of income.

The Royal Commission on Decentralization, which reported shortly before the Morley-Minto set of reforms came under discussion, gave some attention to the question of increasing the financial powers of Local Governments, and amongst other subjects considered the advisability of allowing them to raise fresh revenue both by increasing the scale of taxation in heads which had been entirely provincialized, and by levying new taxes. It was decided that the time had not come for such a change because the Local Governments had no real responsibility to the taxpayer, but it was considered that when representation in

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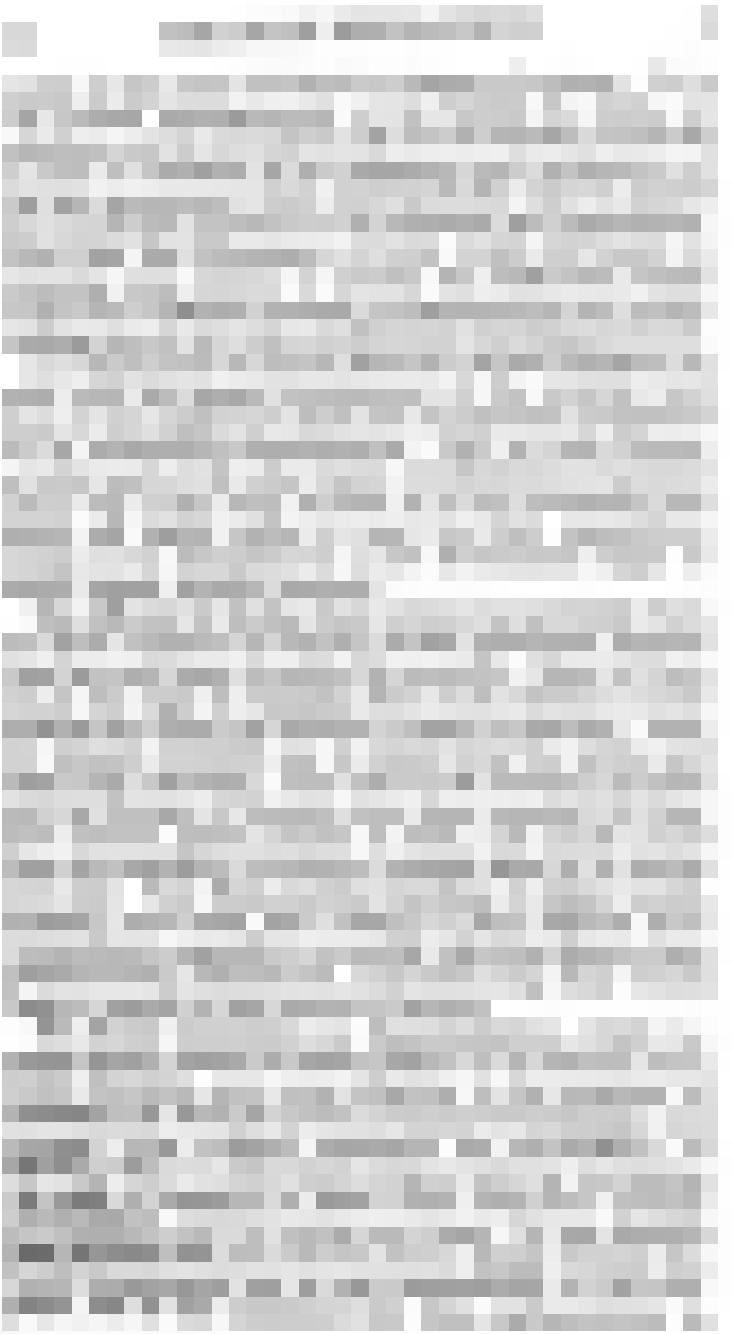
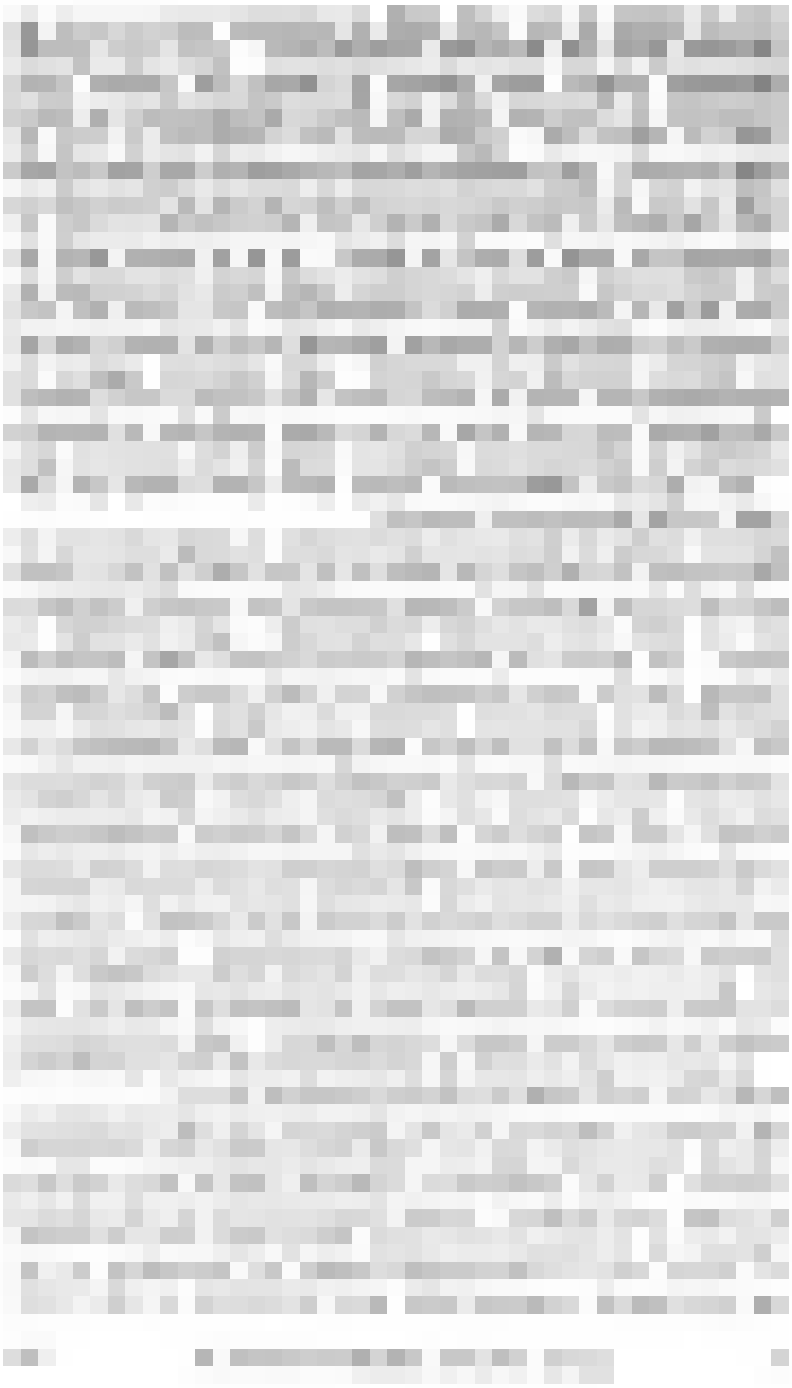


the Legislative Councils had been increased to the point at which such responsibility might be presumed to be effective it would become both practicable and necessary to grant such powers. If the great increase in the elected element in the Legislative Councils, which was effected shortly afterwards, did not sufficiently fulfil that condition, the further advances in the direction of self-government which are now suggested would certainly do so.

A Tobacco Excise may be instanced as the sort of proposal which would come under consideration. The Government of India levies a Customs duty on imported tobacco, but no Excise on the home-grown article which supplies the greater part by far of Indian consumption. The reasons for abstention, at any rate in the past, were simple. Tobacco is grown, rough cured, and prepared for the market almost everywhere, but in such small quantities and by such poor people, that an Excise would be extremely inquisitorial. On the other hand, the cigarette habit has increased enormously of late years, and large factories have been set up, equipped with modern machinery, and organized on European or American models, by which cigarettes are turned out in vast quantities, in some cases by millions daily. An Excise on manufactured tobacco may therefore be, or may soon become, practicable. The anomaly of levying it on factories, while leaving the cottage producer untouched, is exactly the same as in the case of the Cotton Excise, which is levied on the product of mills but not on that of the hand-loom weavers.

§ 4. All the suggestions which have been made for the transfer of departments relate to such as are more or less specialized, are not vital to the main business of district administration, and in most cases are staffed very largely or almost entirely by Indians. The District Officer at present is expected to interest himself in all of them, and he can help or hinder them considerably, but they are not his main work, and his connexion with them can hardly be regarded as vital to any of them. If it is found that he can continue to be used under the new system it will be well, if not he must drop out and the wheels of government will not stop. The changes already indicated will take a long time to carry out. When they are completed it will be necessary to proceed with the great departments of Land Revenue, Police, and Justice in which the Indian Civil Servant finds his principal employment. How the change can be made is not very easy to forecast, but it is to be



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considered that the reserved half of the Provincial Government and the Government of India itself can hardly have been standing still meanwhile, also that by that time the Indian element in the Civil Service will probably have very greatly increased. Some readjustments may be found possible by which the Government of India can reserve to itself these functions which it still considers essential to public safety while transferring the others, but at this distance it seems hardly profitable to speculate upon the precise method of the further changes.

Some further consideration is desirable as to the machinery by which the new Government would exercise the powers entrusted to it. It would be wise and economical if to begin with it made as few changes as possible. For instance, if it took over to-morrow the departments under the General Secretary in Bengal, it would find a Secretariat presided over by an Indian member of the Indian Civil Service with a staff almost wholly consisting of Bengali clerks. It has been suggested that the relations of District Officers and Commissioners to the Local Self-Government departments should continue. If they could it would be clear gain. If not the Secretariat would have much additional work thrown upon it and would be considerably enlarged. When the other departments which have been enumerated came over it would generally be well if the relations of the District Offices to them could be maintained, but if not, at the head of each there is an Inspector General or officer of similar rank, and in each district there is a departmental district officer, e.g. an Inspector of Schools or a District Sub-Registrar. The new Government would, of course, have its own Finance Minister, but it would require no separate treasury, the general treasury at present banks for all sorts of authorities, and account keeping is not a matter of politics.

§ 5. The use of the general treasury would imply the continued use of the existing codes of rules of account and audit, and the audit would be carried on by the Accountants General and other officers of the Finance Department of the Government of India. The position of these officers in dealing with a new and inexperienced administration might be delicate, but their employment would greatly confirm public confidence.

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CHAPTER V

LOCAL SELF-GOVERNMENT

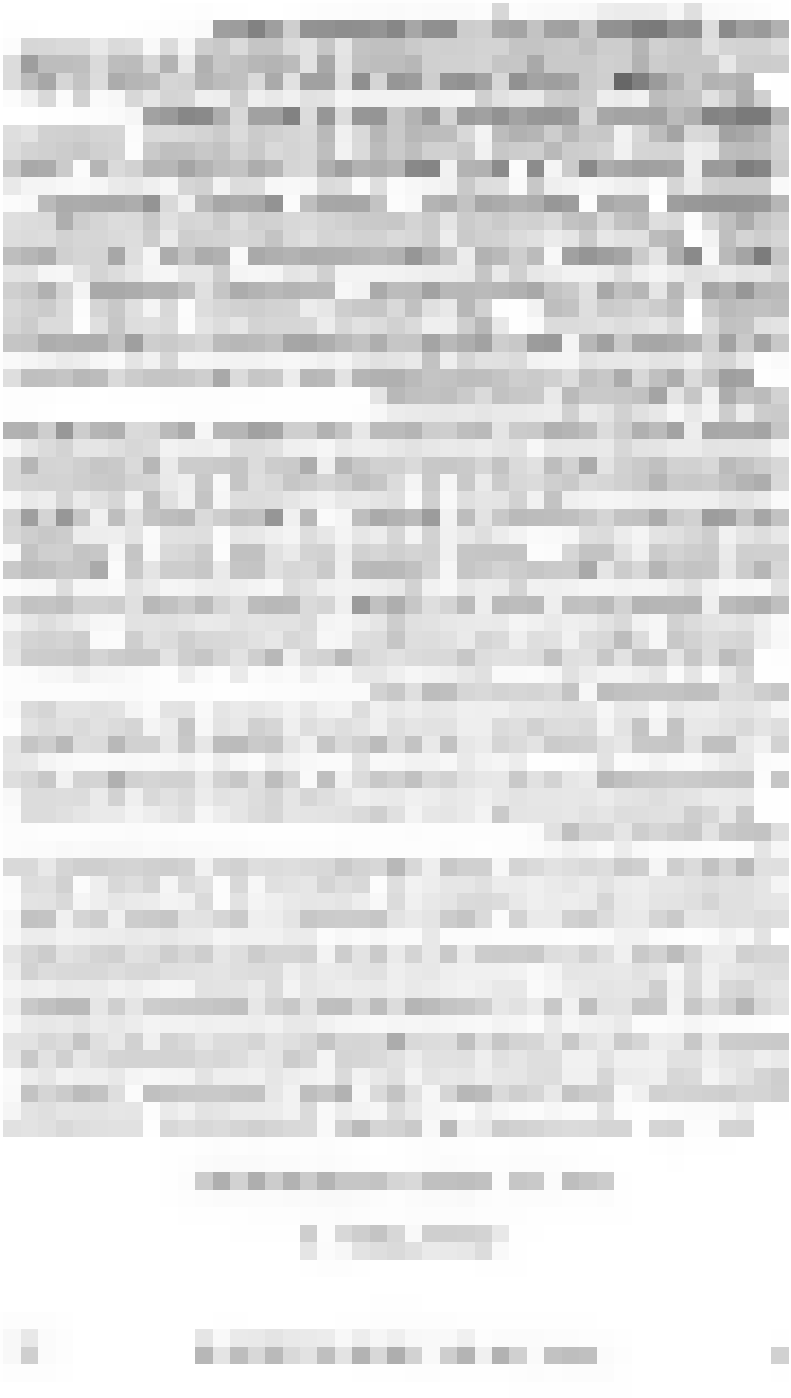
§ 1. In any system of popular government municipal institutions form perhaps the most important element. They affect the citizen most closely and continuously in his domestic concerns, and they afford the truest test of political capacity and the best training ground for aspirants to higher political functions. It is not usual to find the government of a country constituted on a more popular basis than that of its own towns or rural communes, and while we are considering the possibilities of progress in the wider field, it will be well to give some attention to the constitution of these minor bodies.

In Bengal towns with over 3,000 population have generally a municipality with a majority of elected members and a Chairman chosen by the members, though in some small towns all the members, and in a few others the Chairman, are nominated by Government.

Each district has a District Board, and each sub-district —usually there are two or three— a Local Board. Under these again there may be Village Unions, groups of about ten ordinary agricultural villages with an area of perhaps ten square miles. These Unions are still rare in Bengal, though more frequent in Madras. A great body of official opinion agrees with Sir K. G. Gupta and Sir W. Wedderburn in advocating their extension as the best means of giving the people some control over their own affairs and educating them to political consciousness.

The functions of municipalities are of the kind common in all countries, and include the supervision of elementary public instruction. The primary business of the rural boards is with communications; generally speaking, they have the charge of all communications below the trunk roads. They also control elementary education and support hospitals and dispensaries. Water supply, sanitation— which, however, is still practically non-existent in rural areas—and veterinary hospitals and protective measures against bovine epidemics are also in their charge.

For Village Unions there are as yet no fixed rules of election, but the members are chosen at meetings of the inhabitants presided over by a Government officer.



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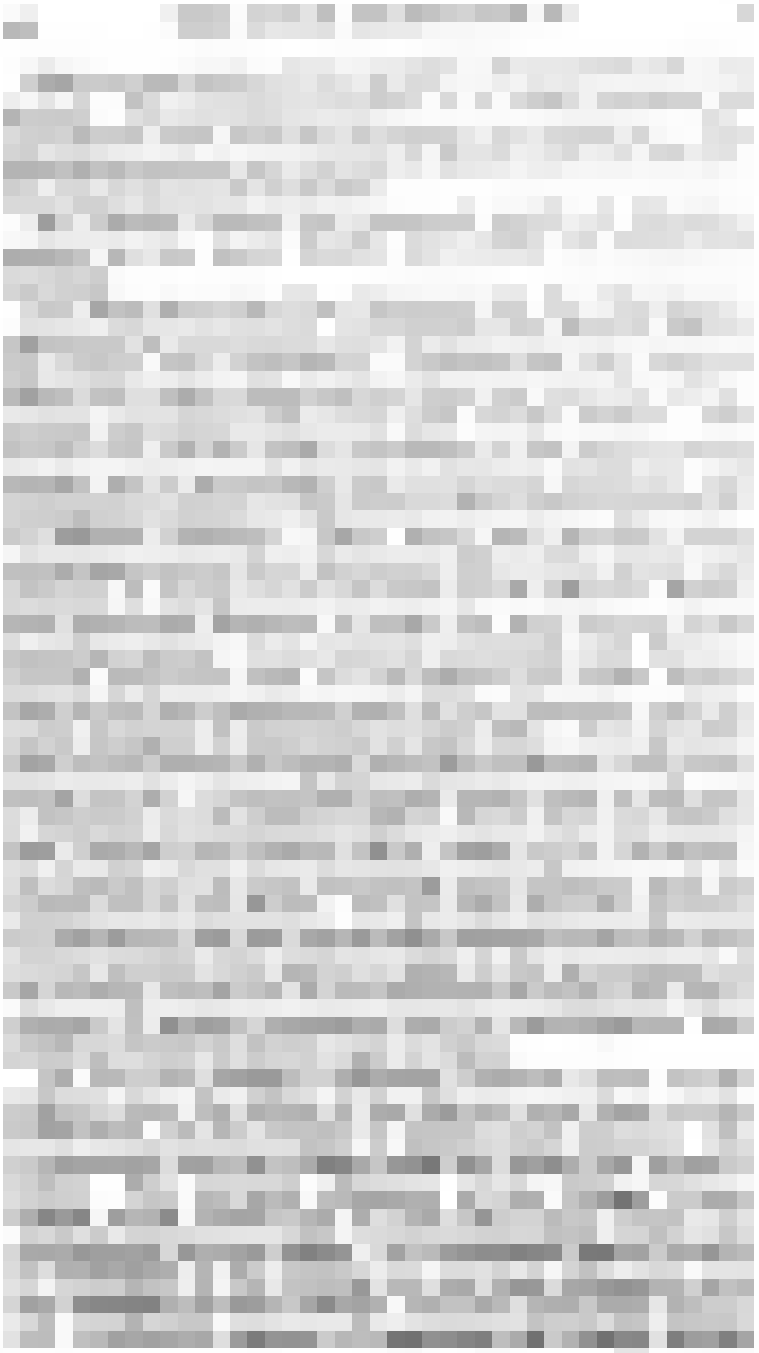
Half to two-thirds of the members of Local Boards are elected. The principal franchise is a small payment of agricultural rates, and the electorates are numerous. The remaining members are nominated officials and non officials. The Board elects its Chairman.

The District Boards are composed partly of delegates elected by the Local Boards and partly of nominated members.

§ 2. They elect their Vice-Chairman, but the Chairman is appointed by Government, and hitherto the District Officer has always been appointed. Undoubtedly the District Officer has better opportunities than any one else of becoming acquainted with every part of the district. He travels over all the roads, penetrates to the most remote corners, and is accordingly able to form an intelligent and disinterested opinion on the relative claims and requirements of different localities. These facts, and possibly other advantages derived from having an officer of his power and influence in charge of the interests of the District Board, have prevented agitation to make the post elective from becoming serious. It is, however, perennial, and there is natural discontent that no non-official can aspire higher than to the less conspicuous post of Vice-Chairman, and the useful drudgery of supervising a large office. It is possible that in this matter the ruling principle of efficiency has been driven too far. A non-official might rarely make so efficient a Chairman as the District Officer, but it does not follow that, because the District Officer ceases to be Chairman, the benefits of his local knowledge and influence need be entirely lost to the Board. On the other hand the position of Chairman is the best conceivable training ground for men of local position who aspire to assist in the government of the country, and it is to be recommended strongly that when changes of greater importance are in contemplation this position should be thrown open to them.

§ 3. For the ordinary cultivator, however, even of the superior class, the affairs of the district, even those of the subdivision, are too remote to possess much interest. He is concerned with the village roads and tanks and primary school. The universal extension of the Village Union system would enable him to look after these which are emphatically his own affairs. It is impossible that a system so centralized as the existing one can deal efficiently with the minutiae of such matters, and the undoubted labour and considerable expense of organizing the change should



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CHAPTER VI

ANTICIPATED CRITICISMS AND DIFFICULTIES

§ 1. Proposals of the kind we have been considering are open to a variety of criticism. It may be conceded at once that there is the risk, and indeed the probability, of rash amateur experiment, of lax and inefficient administration, nepotism, and corruption. Defects of this kind are perhaps really exceptionally prevalent in organizations managed by Indians, and inexperienced governments must be peculiarly liable to them. Certainly Indians of the political class have not shone greatly in the sphere of Local Self-Government during the last thirty years, although, of course, they blame everything but themselves. Generally the complaint is that the powers are too restricted and the duties too paltry to merit the attention of men who aspire to conduct a government. When they attain their object they will find that the same drudgery and the same paltriness are the general order, and that opportunities for great and important action are extremely few. Many will weary and again blame anything rather than their own lack of perseverance. Granting all this, it must be urged on the other hand that, even with the limited opportunities hitherto open to them, there have already been many capable Indian administrators, that nothing is more likely to encourage a higher standard than the proposed system of making the concession of each new department dependent on success in managing those already transferred, that the people might well be willing to submit to some loss of efficiency in return for being allowed to arrange matters according to their own views, and that some time or other a beginning must be made.

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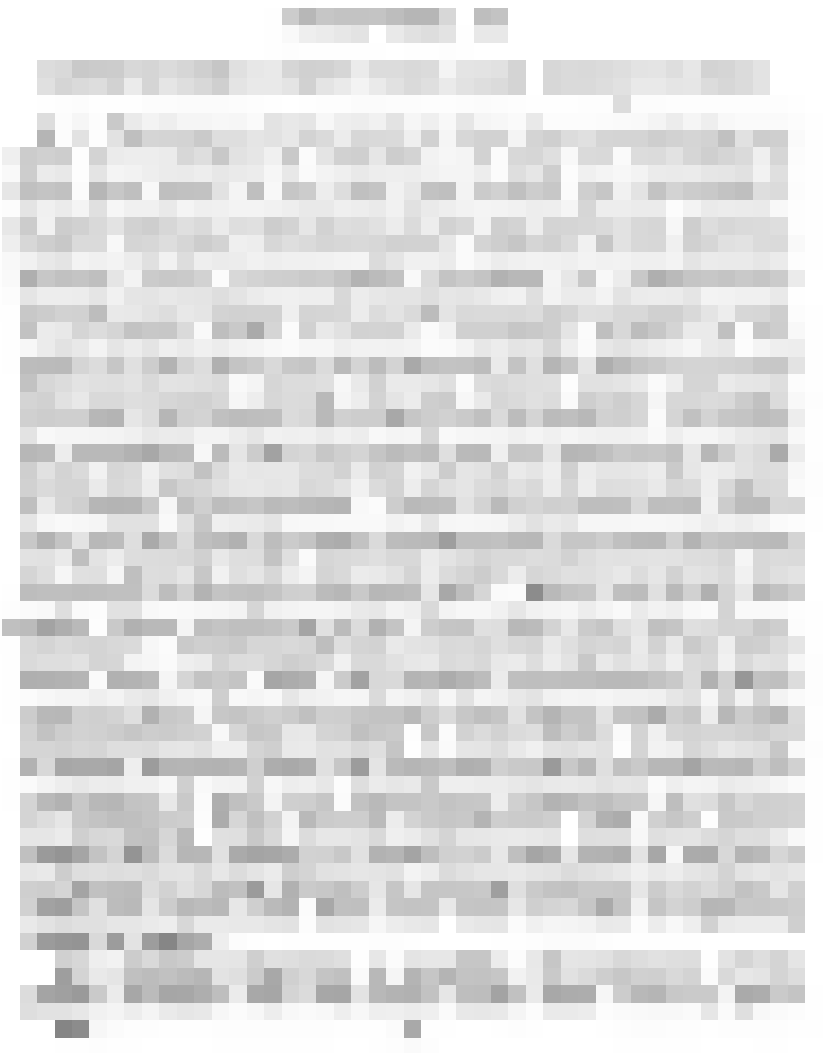

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§ 3. A more real and serious difficulty is the possibility of friction between the servants of the new and those of the older Government. Those departments have been selected to begin with in which the possibilities for such friction are at the lowest, but the danger is no doubt considerable. Skill in covering one's own delinquencies by setting rival authorities by the ears is a peculiarly Indian accomplishment, and occasions might arise when it would have really serious consequences. It is no great stretch of imagination, for instance, to anticipate that in some districts the Excise administration might under Indian control become both oppressive and corrupt, for indeed at all times there is a tendency to these vices which calls for constant vigilance. Their prevalence might seriously threaten the peace and order of the district and bring the excise officials and licensees into conflict with the police, and then a very pretty quarrel might ensue between the District Magistrate and his superiors on the one hand and the new government controlling the Excise Department on the other. If the change were to be made at once the experiment might well be regarded as too risky, but it is not proposed to be made until ventures in less dangerous fields have tested the temper and capacity of both parties.

§ 4. Lastly, there are the possible dangers of abuse or mismanagement in collection of revenue. It has been proposed to hand over to the new government one by one comparatively small sources of revenue with limited powers of increase, possibly also the right to tap some quite new minor sources of taxation. It may be objected that such proposals are in direct conflict with what has been said elsewhere in this paper, and what is certainly very generally asserted as to the great difficulty of raising additional revenue in so poor a country. Any apparent inconsistency

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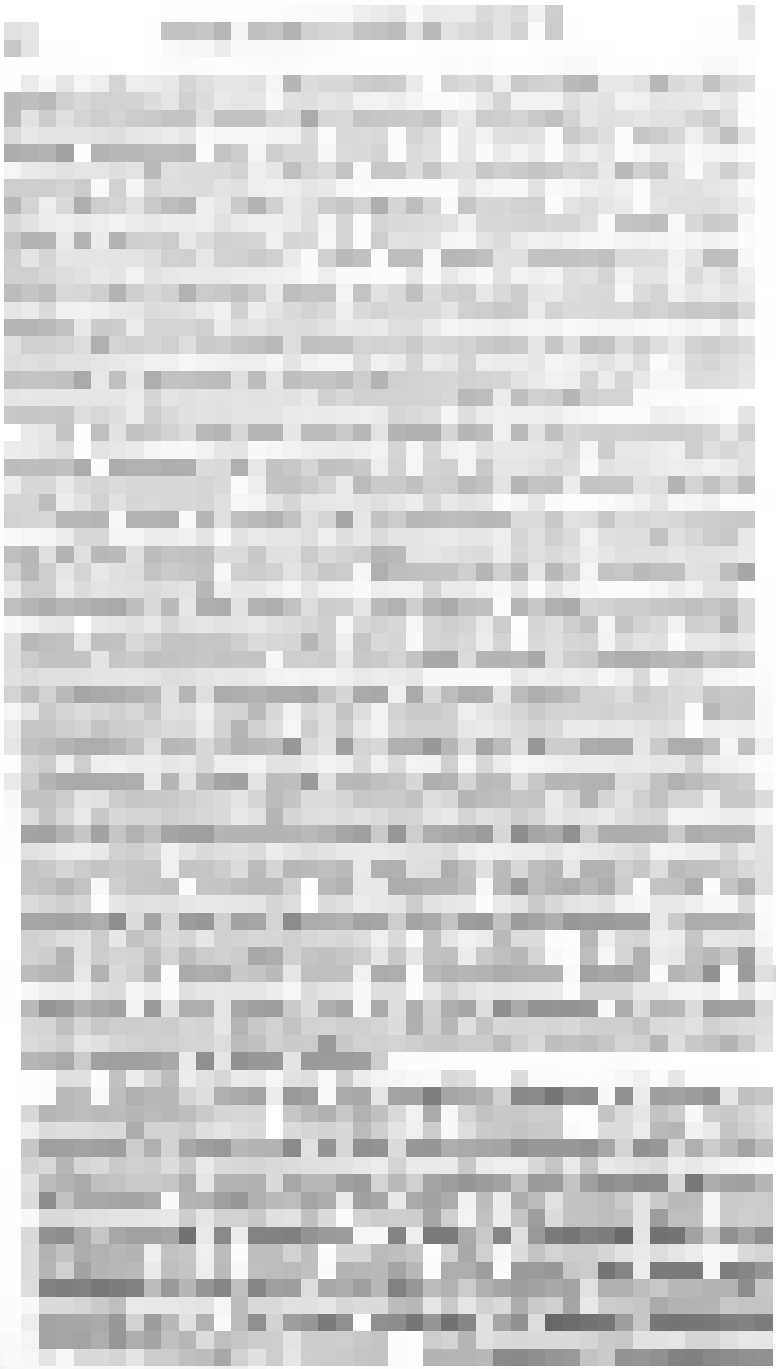

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§ 5. These proposals and suggestions are submitted for what they may be worth. It is to be remembered that this is not an essay on the problems of satisfying Indian aspirations, or allaying Indian unrest, which cover a much wider and more diversified field. It is an attempt to indicate what progress appears possible now, or likely to be possible for a considerable time to come, in the direction of self-government. The continuity of the process, by which, from a long time past, Indian agency is being increasingly employed and to some extent substituted for English agency in the business of Indian Government, will not be broken, although it may be accelerated, by these changes. The inquiry has been confined to questions of constitutional

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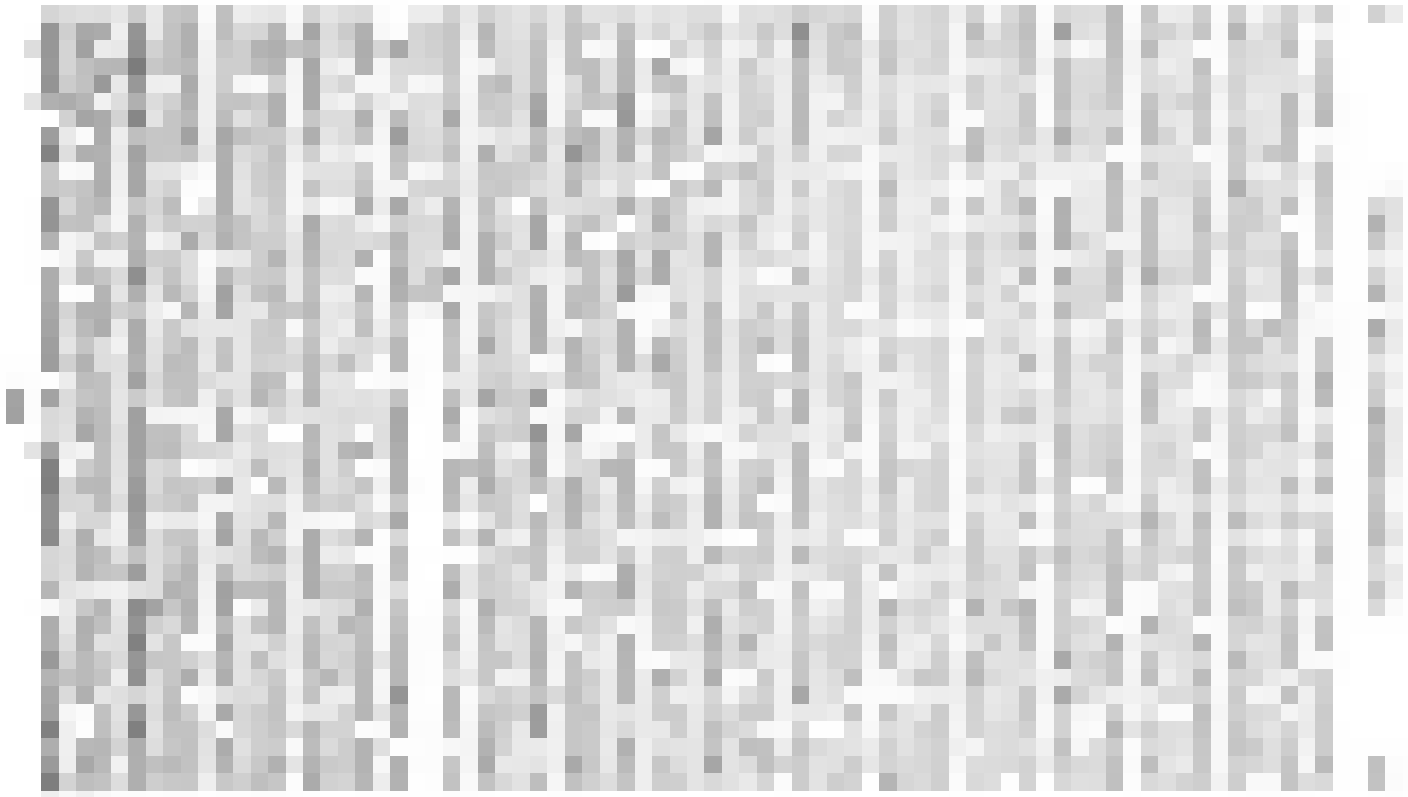

progress as distinguished from those of personal advantage and privilege. The question of employing the Indian as the agent of government is entirely different from that of giving him a deciding voice in its policy. Questions of the former kind are continually being solved under the present theoretically autocratic government. Questions of the latter kind are still in a very elementary stage.

§ 6. A beginning has been made by allowing Indians to exercise an influence on the executive through the legislatures. But continued dependence on that method alone is subject to serious drawbacks. The present position of Indian members on the legislatures tends to develop their critical at the expense of their constructive faculties. They are not called upon to devise the means whereby the ends they demand may be compassed, and accordingly their sense of public responsibility goes undeveloped. In the second place the influence they have on the executives cannot be very greatly extended, without impairing the present efficiency of our Government, or even producing a deadlock. Such a deadlock could only be released either by a step backwards, which would be dangerous, or by making the executive responsible to the legislature and removable at its will. Legislators with no experience beyond that of criticizing an alien executive would be called on at one step to assume the whole of its functions.

§ 7. The principle of creating responsible Indian executives side by side with the existing executives in selected provinces, and of gradually transferring the functions of government from one to the other is suggested as a means of avoiding the dilemma. The existing executives will provide a standard of efficiency and purity in administration by which the Indian executives, legislatures, and electorates can judge their own, and be judged by us. In order to establish a convincing case for the further extension of their powers they will have to show that their own government compares not unfavourably with that which it is intended to supersede. As experience is gained the system can also be extended to provinces not at present sufficiently developed for it. There will always be something real to offer as a reward of pure and successful administration.

§ 8. The duties of the new government are not likely to be long confined to those which may be transferred to it from amongst existing governmental activities. In course of time, and no doubt cautiously and gradually, it would be assigned duties and functions which the present administra-

progress as distinguished from those of personal advantage and privilege. The question of employing the Indian as the agent of government is entirely different from that of giving him a deciding voice in its policy. Questions of the former kind are continually being solved under the present theoretically autocratic government. Questions of the latter kind are still in a very elementary stage.

§ 6. A beginning has been made by allowing Indians to exercise an influence on the executive through the legislatures. But continued dependence on that method alone is subject to serious drawbacks. The present position of Indian members on the legislatures tends to develop their critical at the expense of their constructive faculties. They are not called upon to devise the means whereby the ends they demand may be compassed, and accordingly their sense of public responsibility goes undeveloped. In the second place the influence they have on the executives cannot be very greatly extended, without impairing the present efficiency of our Government, or even producing a deadlock. Such a deadlock could only be released either by a step backwards, which would be dangerous, or by making the executive responsible to the legislature and removable at its will. Legislators with no experience beyond that of criticizing an alien executive would be called on at one step to assume the whole of its functions.

§ 7. The principle of creating responsible Indian executives side by side with the existing executives in selected provinces, and of gradually transferring the functions of government from one to the other is suggested as a means of avoiding the dilemma. The existing executives will provide a standard of efficiency and purity in administration by which the Indian executives, legislatures, and electorates can judge their own, and be judged by us. In order to establish a convincing case for the further extension of their powers they will have to show that their own government compares not unfavourably with that which it is intended to supersede. As experience is gained the system can also be extended to provinces not at present sufficiently developed for it. There will always be something real to offer as a reward of pure and successful administration.

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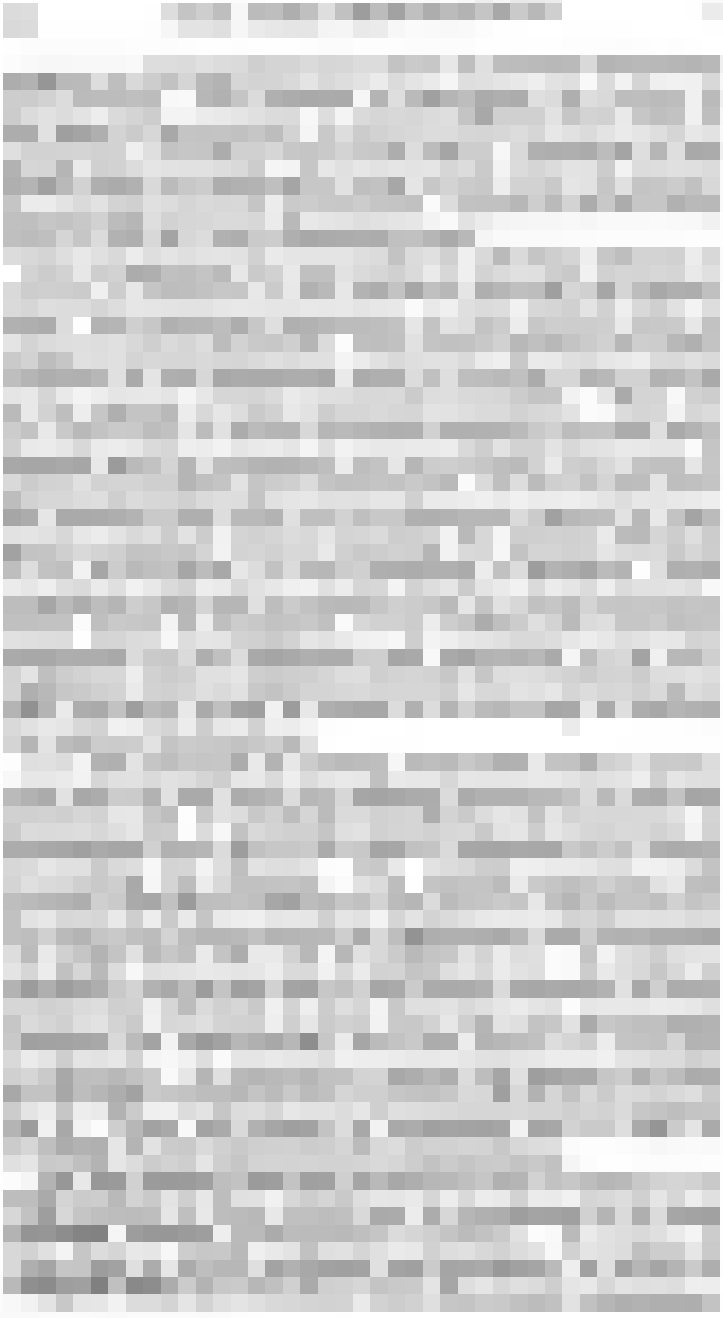
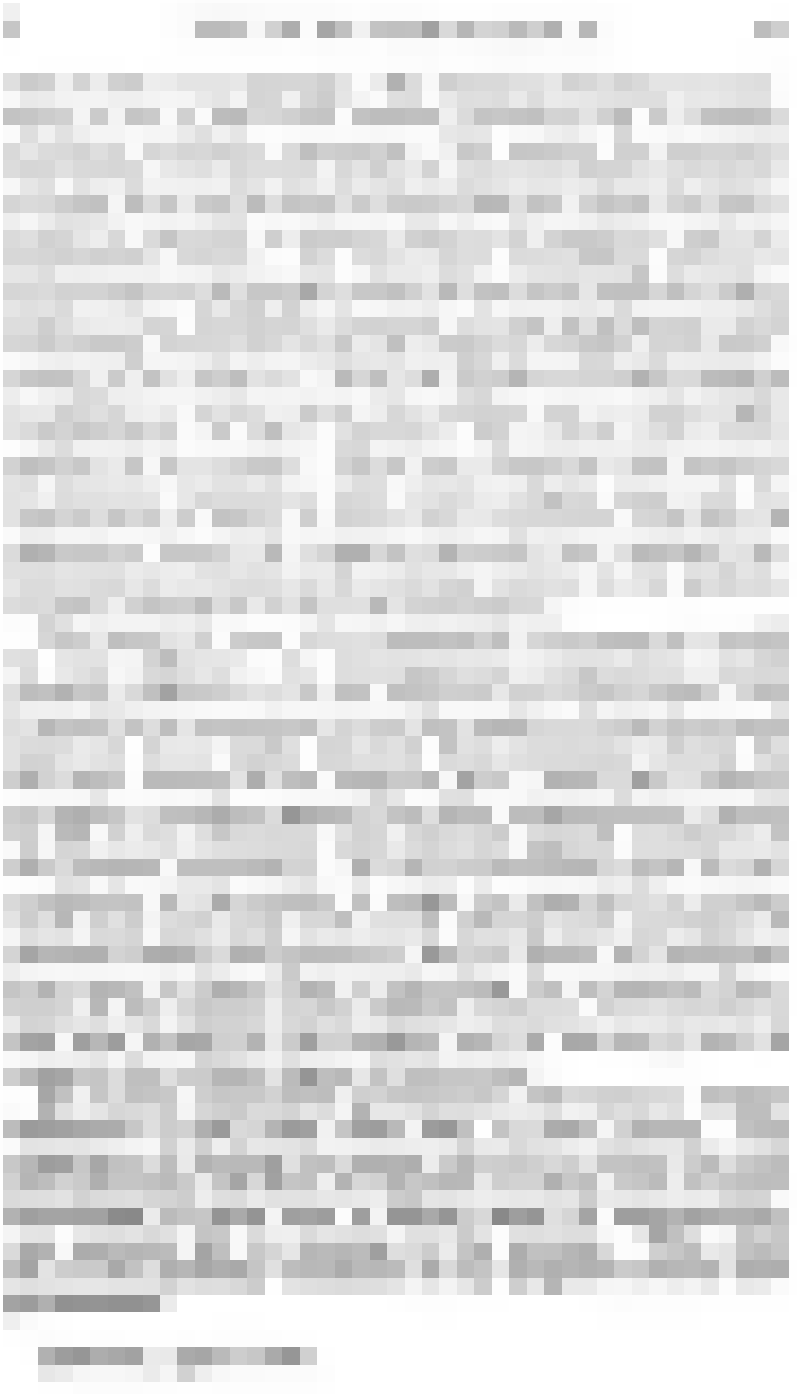


tion accepts very sparingly. The business of Indian Government is not a fixed and definite quantity but is capable of almost indefinite expansion. Not merely the necessity of economy, ever present as that is, prevents the Government of India from interfering in many matters which elsewhere would be regarded as proper objects of legislative and administrative action. An even more compelling reason is to be found in the pledges which it has given and the policy which it has faithfully observed of non-interference with everything connected with the religious beliefs and observances of its subjects. With the peoples of India religion is neither a veneer upon the surface nor a water-tight compartment of their existence but enters into every portion of its texture. There are, therefore, few matters of domestic legislation with which religion may not be represented as being in some way concerned, and fear of opposition based on religious grounds has inspired the Government of India with extreme caution in its attitude to many admitted social evils and abuses.

The point of view of a responsible Government would be very different; its heterogeneous composition would properly influence it in the direction of conservatism, but it would be in a position to test the reality of objections and need not be so easily deterred from necessary reform by the mere raising of the religious plea. That plea, indeed, so ready a weapon against the alien administrator, would be felt to be ridiculous when directed against members of the religion concerned. As the Government grew in the confidence of the public it might be expected to occupy itself more and more with social reforms and questions of personal status and property, and to direct its ambitions even more to these than to absorbing the remaining functions of the section under British control. Its success in this field would be the highest test of efficiency and of capacity for a fuller degree of autonomy.

§ 9. Lastly, responsible government will open to Indian legislators a rôle other than that of mere critics. The experience of finding the means whereby to attain the ends they advocate will thus be imposed on them, and a better knowledge of facts and a deeper sense of responsibility can scarcely fail to develop in the process. This, after all, is the necessary condition of any progress towards self-government.

LONDON, *April* 1916.



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II

A LETTER TO THE PEOPLE OF INDIA

RAISINA, DELHI,
March 1917.

§ 1. IN October 1916, I arrived in India with the object of making certain studies for submission to an informal organization of students known as the Round Table groups. My friends were expecting my return to England after the cold weather, but on November 13 I wrote to warn them that I should have to postpone my return, and gave reasons for this change in my plans. Presently I learned that a copy of this letter had gone astray, by means of which I have no knowledge. As a quite erroneous version of its contents was current, I instantly published the letter. But none the less it was referred to in public speeches and in countless newspaper articles as proving a charge of conspiracy, and even of criminal conspiracy, between public officials, the Round Table group, and myself. Conspiracy implies a concealment of facts. To all the pertinent facts the fullest publicity had been given by those against whom the charge was directed throughout the English-speaking world. Elsewhere a widespread knowledge of these facts would have rendered such charges harmless if made, and, indeed, impossible to make. That in India these published facts were so little known was not, I think, a matter for which any one was to blame. The obvious remedy is to restate them now in the fullest details in one paper accessible to every Indian who cares to read it.

There is, however, a further reason for adopting that course.

Suspicions have been roused which tend to obscure issues of vital importance to India. 'Suspicions are to knowledge as bats to birds—they fly by darkness.' The remedy for suspicions is the truth, and as the French say 'to know all is to forgive all'. I propose, therefore, as truthfully as a humanly fallible memory will allow me, to tell you the history of the *Round Table* and to detail the facts with regard to my letter; I will then ask you to consider those larger issues which, as I have said, are in some danger of being obscured by a controversy which I am sorry to have caused.

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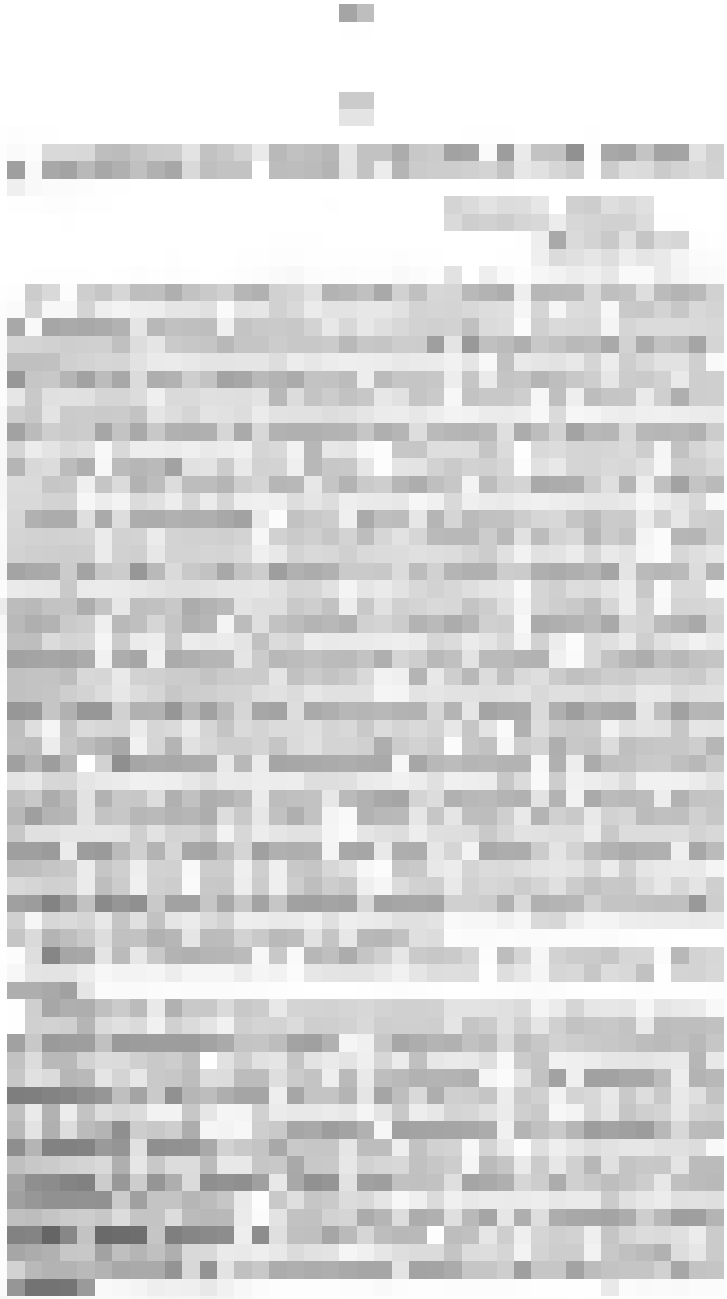
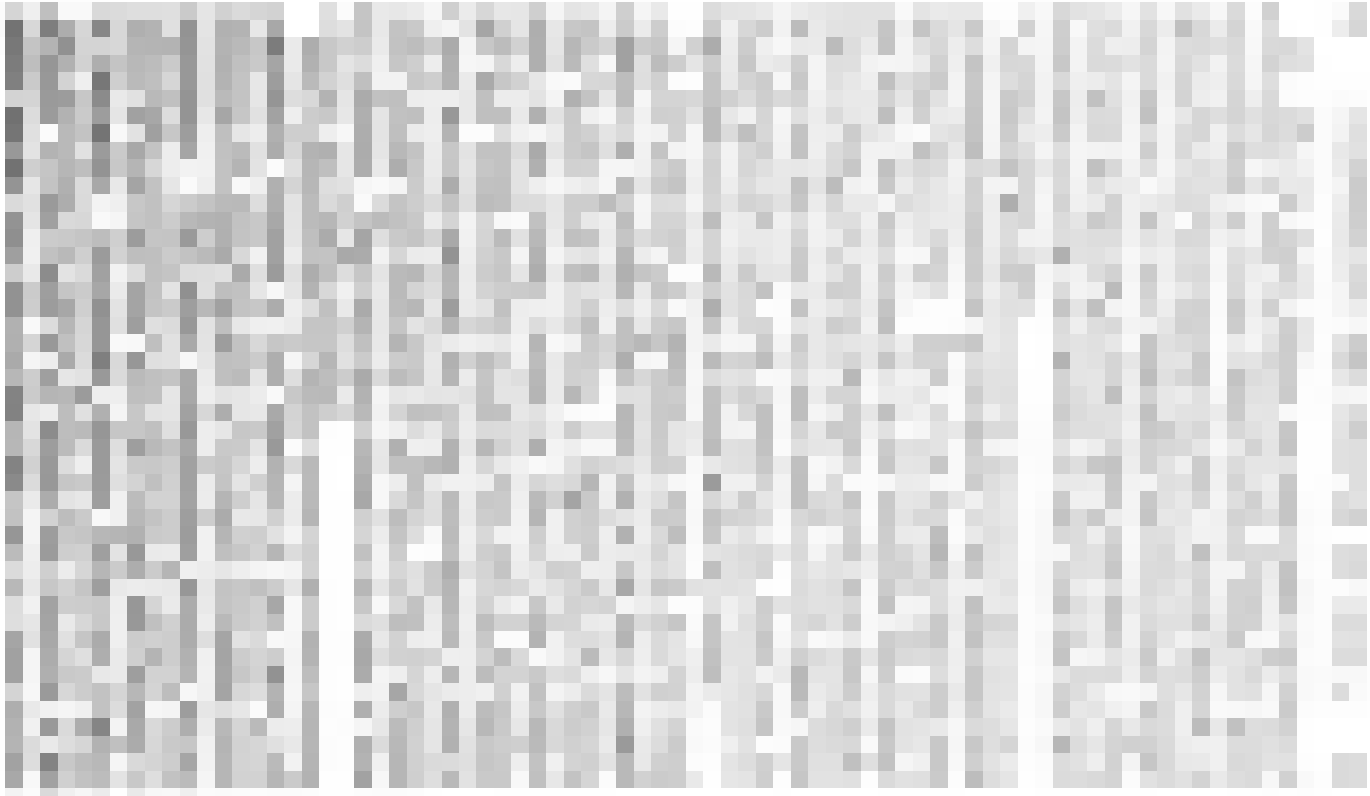


§ 2. After the South African war ended with the Peace of Vereeniging in 1902, the Transvaal and Orange Free State were governed as Crown colonies on lines similar to those under which India is governed to-day. Several friends, of whom I was one, were officials employed under the Transvaal Government. We were Englishmen who had either fought in the war or had come to South Africa soon after it. A few years later Sir James Meston and Mr. Marris were borrowed from India to set the Civil Service in order, and this was how we came to know them.

In 1906 the British Government announced their intention of granting Responsible Government to the Transvaal and Orange River Colony. Most of us thought that this was the right thing to do; but we also thought that when it was done, the Governments of the Transvaal and Orange River Colony, but lately Republics, would soon find themselves in conflict with those of the Cape Colony and Natal. No one who has seen a civil war wants to see it again, and we believed that the only remedy to be found was by putting all four colonies under one National Government, responsible to the people of South Africa as a whole.

At this juncture it appeared to some of us that good might be done by getting members of both races to work together on a problem which had not as yet been dragged into the ruts of racial politics. I therefore left the Government Service and set to work to collect groups in various parts of the country, known as Closer Union Societies, which included members of both races and of all parties. We then worked out in detail the case for South African Union and the materials for a new constitution, a task in which we received help from Mr. Marris. These documents were printed and submitted to the Closer Union Societies for criticism. They were then revised in the light of that criticism and finally published.

The experiment had one happy result in the better feeling engendered between a few members of two races, but lately at war with each other, who, for the first time, found themselves working together on a question of capital public importance. This better understanding between private individuals contributed to the realization of a project which many of those who best knew the country had deemed to be impossible. Government officials, Dutch and English, were authorized by General Botha to join the Closer Union Societies, so that those of my friends who remained in the public service were able to take their part in these studies.



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Their help was invaluable, because no one understands the structure of Government or can help others to understand it so well, as those who are actually working the machine.

While these studies were in progress, Responsible Government was introduced in the Transvaal and Orange River Colony. Elections were held, Boer majorities were returned, and Governments largely consisting of Boer generals, who had fought against us in the late war, came into power. We Englishmen thus found ourselves under the Government of a race which we had first fought and afterwards ruled. Perhaps we can realize better than most of our countrymen what it feels like to be governed by a race other than one's own. Now we all knew that if the four colonies were united under one Government, that Government would also be in the hands of the Boers. The Union of South Africa meant that not only the Transvaal and the Orange River Colony but also the British communities of the Cape Colony and Natal would be governed by Boer generals for a generation at least. And yet we faced that consequence, because we believed that we as Englishmen stood for the principle of Self-Government and that, even if we were in the minority, South Africa ought to manage her own affairs within the circle of the British Commonwealth. And so we argued to our fellow countrymen that we ought to help to establish a national Government in South Africa and obey it, even when its orders were contrary to our wishes and interests. This we felt it our duty to do because the British Parliament would scarcely have ratified so drastic a change had it been opposed by the united voice of the British minority in South Africa.

Still we were faced with one most difficult question. The danger of war with Germany was already in sight, and we had to consider what attitude the future Government of South Africa would take if the storm burst. General Botha we trusted; but we knew that it was more than possible that a man like General Beyers, who as events have proved was in actual collusion with the Germans, might be in power if and when the Germans attacked us. We believed that a Prime Minister like Beyers would proclaim that South Africa was to stand aside and remain neutral in any great struggle with the German powers. Thus when the Imperial Government was calling upon us as British subjects to fight, the South African Government we had helped to establish would be calling upon us to stand aside, and in such an event which of the two were we called upon to obey? The

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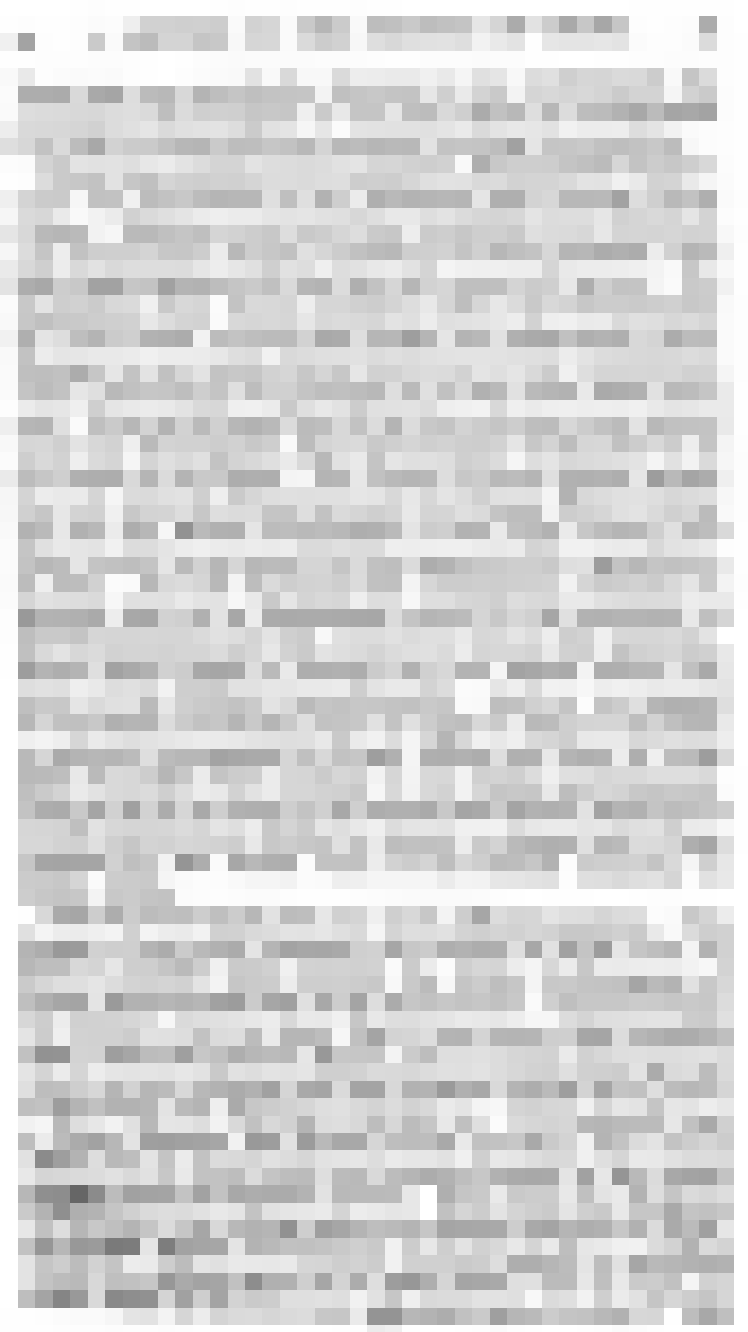

South African Government, moreover, would be able to say that the Imperial Government did not represent the people of South Africa and could not, therefore, commit them to war.

Here was the key to the false position in which we were placed. The Imperial Government held office by virtue of the votes which we, as British subjects in England, cast with the rest of our fellow countrymen. We had a voice, however small, in making and unmaking the Governments which decided the issues of peace and war. As British subjects in a self-governing Dominion we had no such voice, nor were we called upon to contribute taxes to the cost of defence. The greatest of all responsibilities, that of national life and death, no longer rested on us in South Africa. We were thus driven to ask ourselves whether a system which excluded us from the heaviest of all responsibilities, was Responsible Government in the true sense of the word.

Confronted by this dilemma at the very moment of attaining Dominion self-government, we thought it would be wise to ask people in the oldest and most experienced of all the Dominions what they thought of the matter. So in 1909 Mr. Kerr and I went to Canada and persuaded Mr. Marris, who was then on leave, to accompany us.

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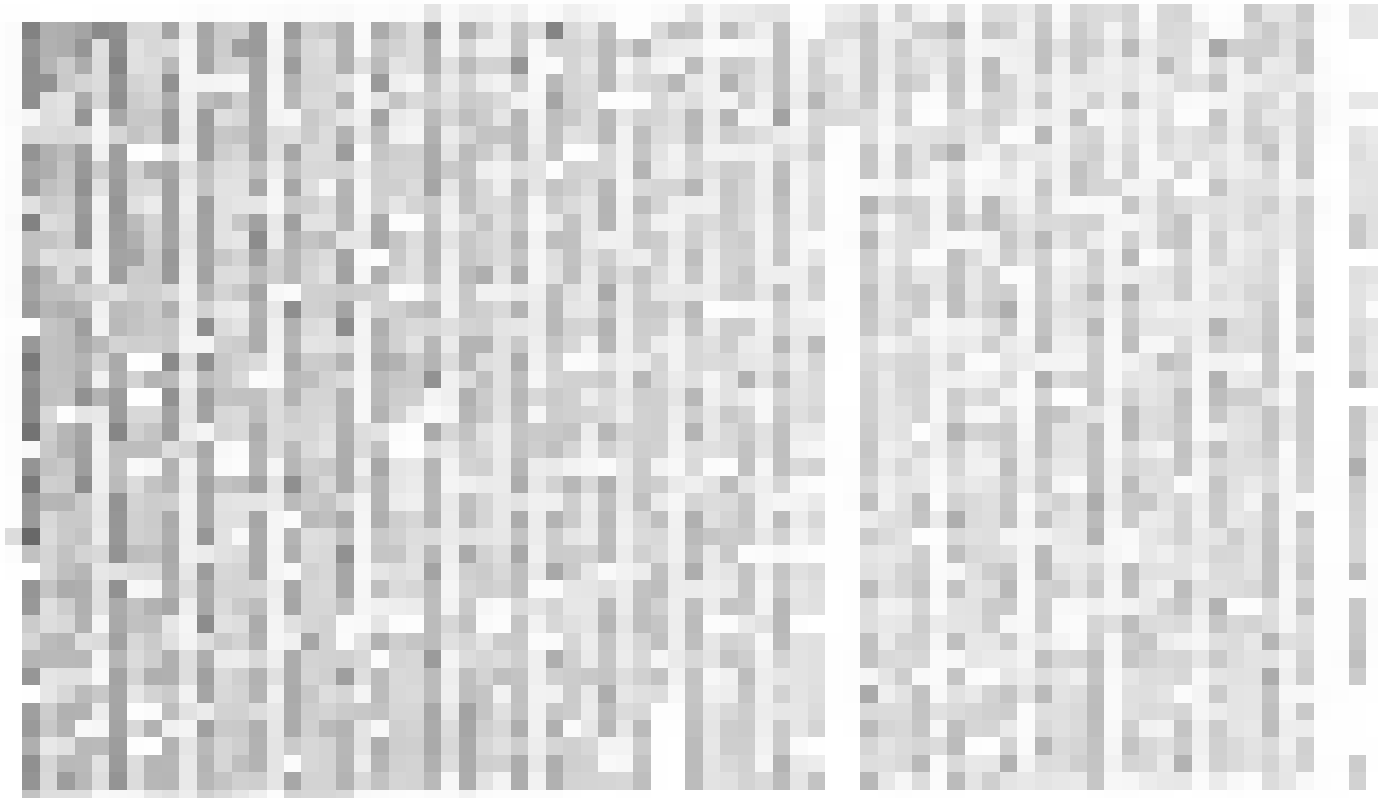

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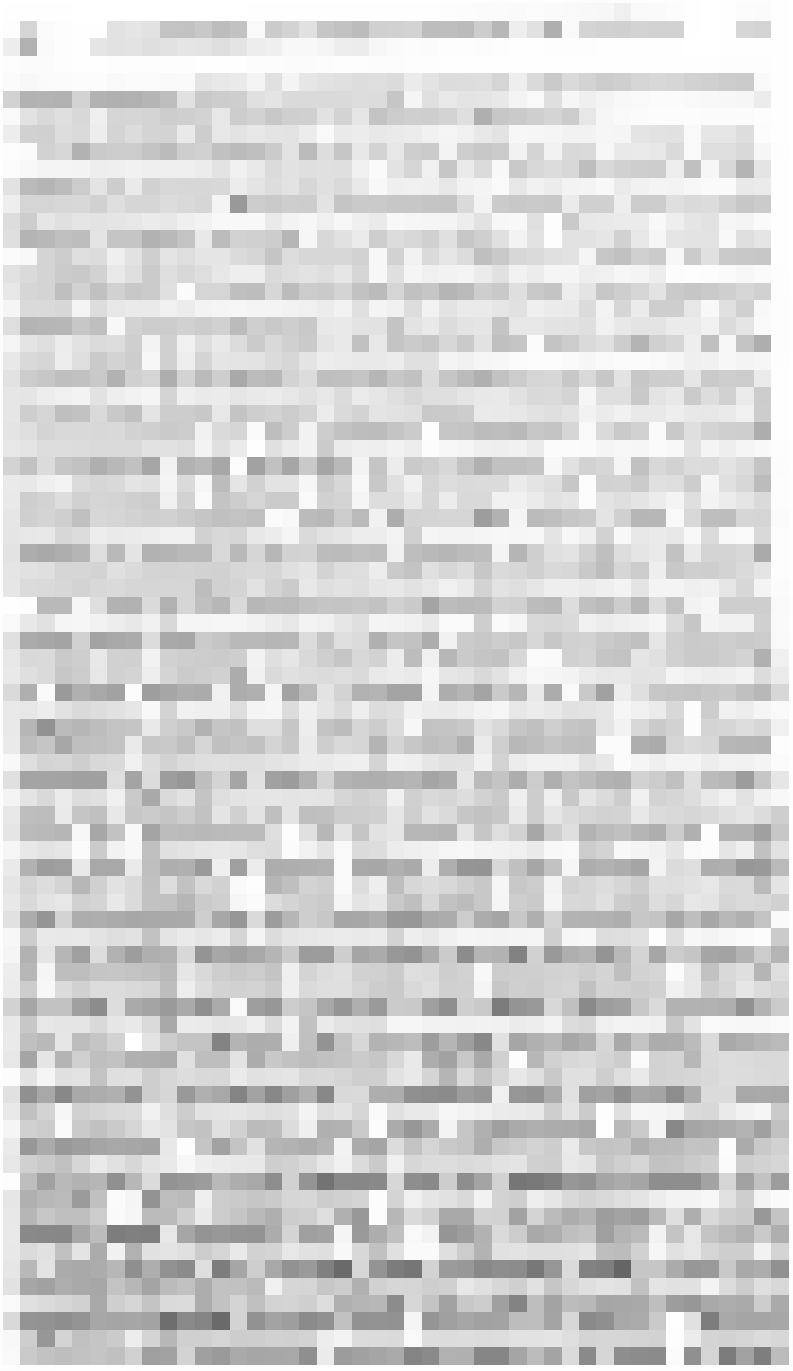
§ 4. Let us now return to the thread of my narrative. We three spent four months in Canada, often following different routes and making a number of friends. I then returned to South Africa for the closing session of the Transvaal Legislative Council, of which I was a member, and there drafted a memorandum on the whole question. The result satisfied us that we were confronted by a problem too large and too difficult for a handful of friends in South Africa to solve for themselves. So in 1910 on the appointed day when the Union of South Africa came into being, I sailed for New Zealand. There I discussed the document with men connected with the Universities and in private business. It was finally decided that student groups should be formed at University centres to study the memorandum, which for that purpose, was printed with blank sheets opposite the text. We agreed that the groups should include men of all parties and Government officials, but not, unless in exceptional circumstances, journalists and politicians, for the reason that such men were committed to political programmes. Our object was to arrive at conclusions by which each man could regulate his own political conduct for himself. Each student was to note his criticism on the blank pages opposite the text. They were then to meet in their groups and discuss these criticisms with a view to framing joint reports, or, failing that, majority and minority reports or reports coupled with minutes of dissent. These collective and individual criticisms were to be sent to me,



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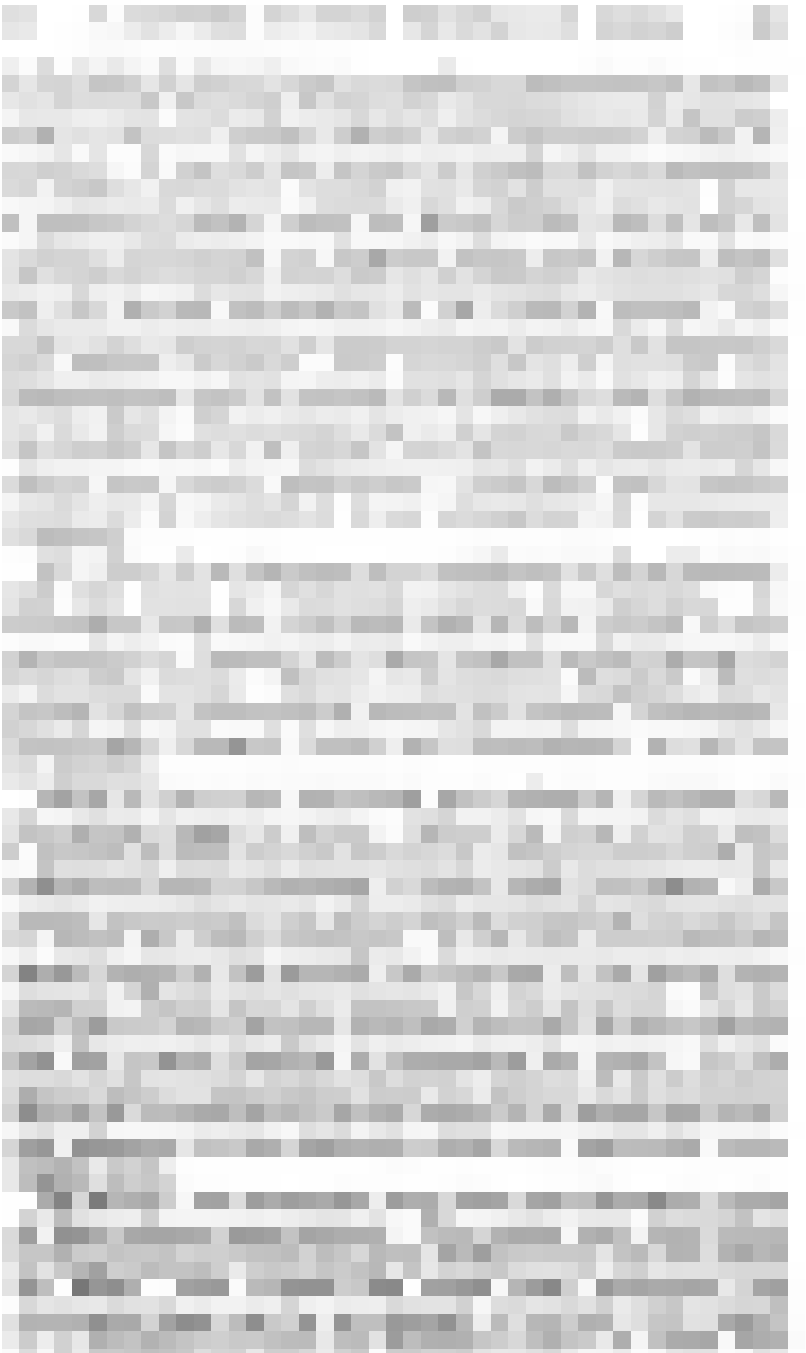
in the light of which I was to compile a comprehensive report on the whole Imperial Problem for submission to the groups, with a view to seeing whether any agreement could be reached. It was further decided to obtain the co-operation of similar groups in Canada and England and to start a quarterly journal, called the *Round Table*, which was to contain information on Imperial affairs and articles from the various countries included in the British Commonwealth, for the mutual information of the student groups. Its object was to promote a common interest and not to inculcate any definite doctrines. The constitution of at least one English group and the editing of the Magazine was entrusted to Mr. Kerr. The journal was to be published. Otherwise our studies were to be private, until they had yielded results which were worth publication. Obviously such studies could not be conducted in an atmosphere of newspaper criticism.

§ 5. Five of such groups were established in New Zealand, and five more at University centres in Australia. In accordance with the expressed wish of these groups, I next proceeded to Canada, and there formed several groups in University towns. Thence I returned to England, where groups were subsequently formed at Oxford, Cambridge, Edinburgh, Glasgow, Leeds, and Birmingham, as well as in London.

Early in 1911 the individual and collective criticism of the groups began to arrive. Before the close of the year I printed all that had reached me in a large volume with an analytical index containing, I think, some 700 pages. No names were printed, but only numbers indicating the country to which the critics belonged. In the case of memoranda agreed upon by the groups, the location of the group was named. There were two reasons for this practice. In the first place it was thought desirable that each student should feel the utmost freedom in expressing his views. In the second place it was desired that the opinion of each student should be considered by all the others on its merits and without reference to the authority which any particular name might carry.

So far as I can remember more than one thousand copies of this volume were printed. The copies were distributed to the groups and were also given freely to any one who asked for them. The volume has never been published, but obviously there can be no element of secrecy with regard to a document at least one thousand copies of which were



in the light of which I was to compile a comprehensive report on the whole Imperial Problem for submission to the groups, with a view to seeing whether any agreement could be reached. It was further decided to obtain the co-operation of similar groups in Canada and England and to start a quarterly journal, called the *Round Table*, which was to contain information on Imperial affairs and articles from the various countries included in the British Commonwealth, for the mutual information of the student groups. Its object was to promote a common interest and not to inculcate any definite doctrines. The constitution of at least one English group and the editing of the Magazine was entrusted to Mr. Kerr. The journal was to be published. Otherwise our studies were to be private, until they had yielded results which were worth publication. Obviously such studies could not be conducted in an atmosphere of newspaper criticism.

§ 5. Five of such groups were established in New Zealand, and five more at University centres in Australia. In accordance with the expressed wish of these groups, I next proceeded to Canada, and there formed several groups in University towns. Thence I returned to England, where groups were subsequently formed at Oxford, Cambridge, Edinburgh, Glasgow, Leeds, and Birmingham, as well as in London.

Early in 1911 the individual and collective criticism of the groups began to arrive. Before the close of the year I printed all that had reached me in a large volume with an analytical index containing, I think, some 700 pages. No names were printed, but only numbers indicating the country to which the critics belonged. In the case of memoranda agreed upon by the groups, the location of the group was named. There were two reasons for this practice. In the first place it was thought desirable that each student should feel the utmost freedom in expressing his views. In the second place it was desired that the opinion of each student should be considered by all the others on its merits and without reference to the authority which any particular name might carry.

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These volumes revealed the widest possible divergence of opinion amongst the various students engaged. In the light of this material I began to draft a report on the whole problem. Sections of the draft were printed as soon as they were written, and were circulated for criticism amongst the groups.

The subsequent creation of an Indian group at Agra illustrates the spontaneous and informal manner in which this student movement has spread. During the war three members of the Oxford group, one an Indian, the other two officers in a Territorial regiment, found themselves at Agra. The Indian friend suggested the formation of a Round Table group for the purpose of studying the problem of Imperial reconstruction after the war. Several local officials were included, and I myself never heard of its existence until it was actually constituted and at work. The system meets the needs of those who feel that in these times of political transition private study and mutual discussion are essential to those who would properly discharge their duty as citizens. It will be harder for Indians to play their part in the coming reconstruction unless some such methods of study are first promoted amongst the educated classes.

§ 6. In Canada, meanwhile, the inquiry had excited such interest in University circles, that the groups each threatened to expand beyond a manageable size. The original groups, therefore, proposed the institution of new groups. I was faced by the difficulty, however, that the existing groups were sending in more documents than I could well digest. I stipulated therefore that I should not be expected to read the documents of any further groups, and on this understanding a large number of new groups were brought into existence for the purpose of study and self-education. They have been supplied with all the proceedings of the organization. Thus two classes of groups have come into existence.

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(2) Additional groups formed merely for discussion and self-education on the Imperial Problem.

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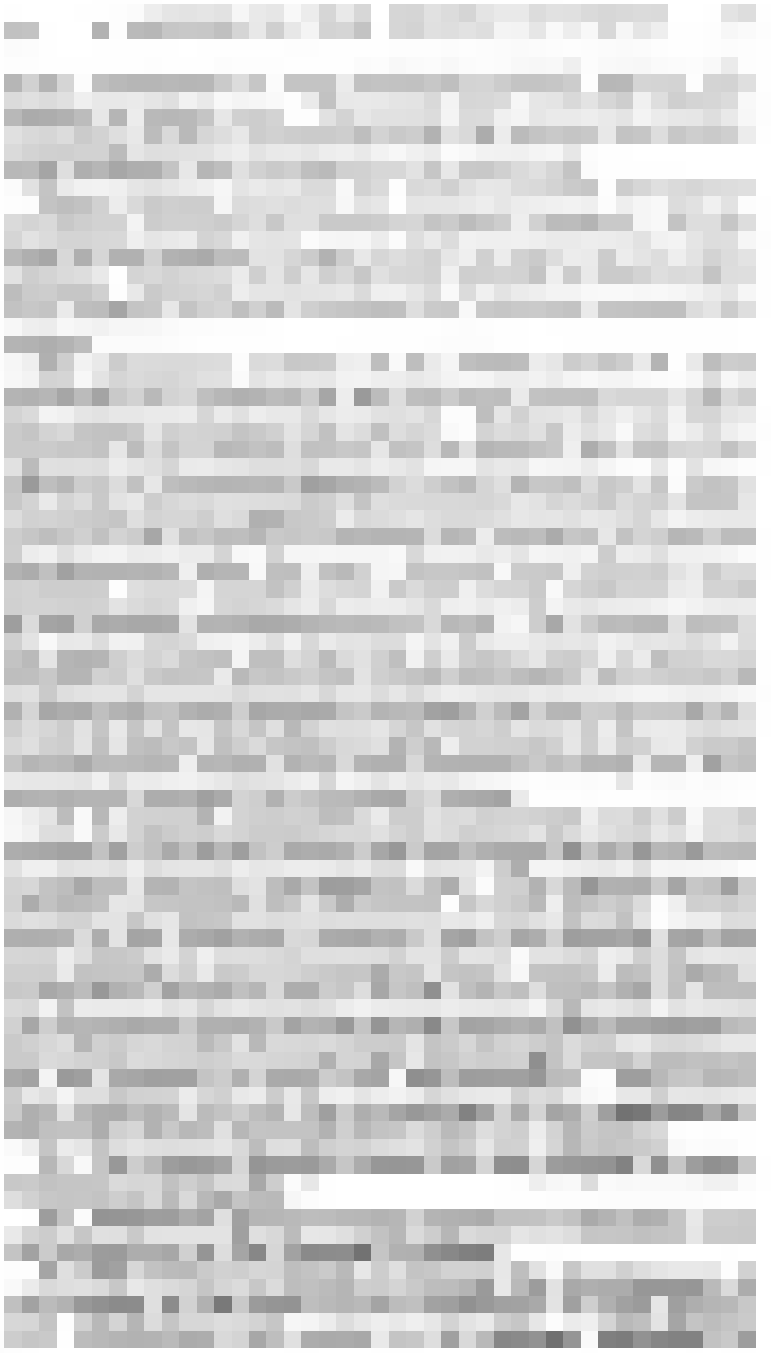

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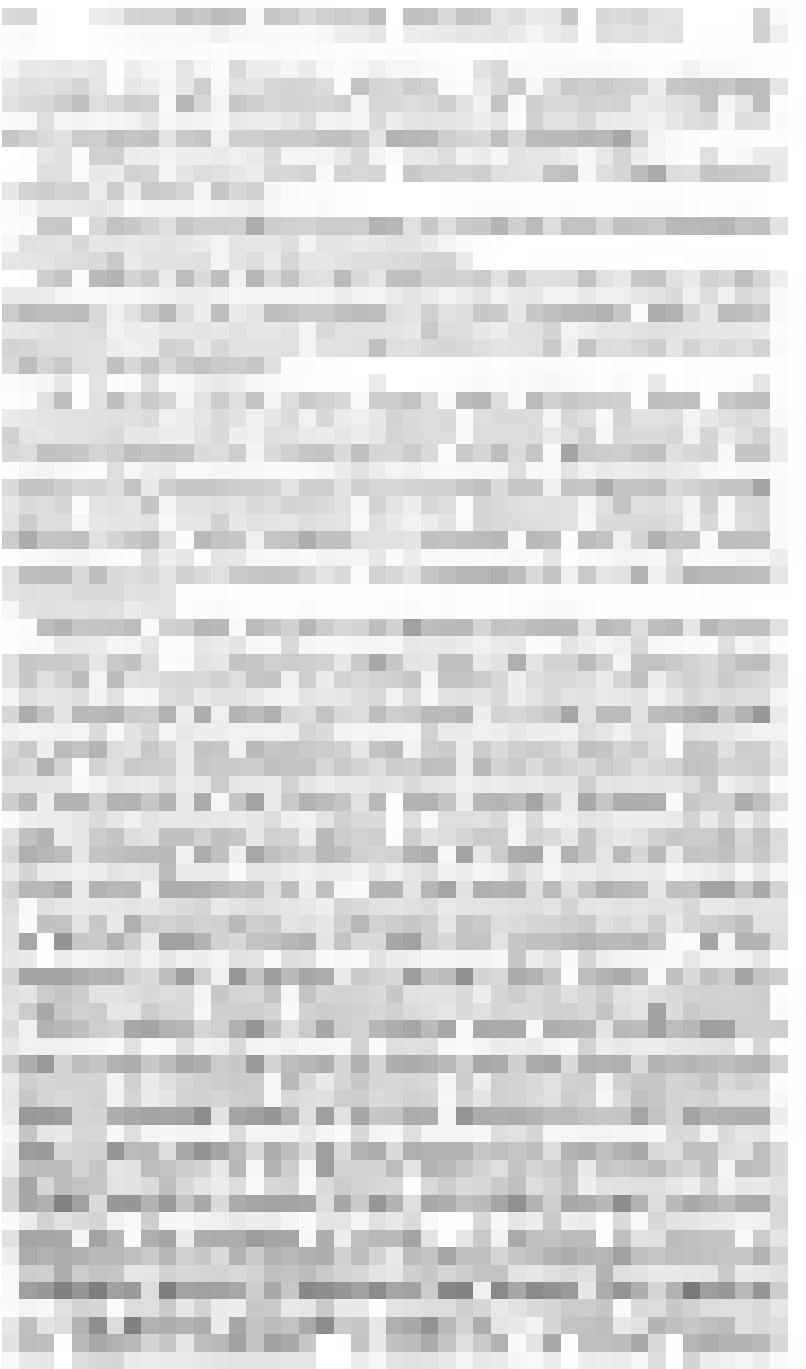
(1) There were those who preferred that things should remain as they were.

(2) There were those who saw no solution but a declaration of Independence by the Dominions.

(3) There were those who believed that the unity of the Empire could be maintained by the separate and independent co-operation in foreign affairs of the several Governments of the Empire.

(4) Lastly, there were those who believed that self-government could only be realized within the limits of the Commonwealth by reducing the United Kingdom to the status of a Dominion, and by relieving the Imperial Government of all responsibility for the domestic affairs of the British Isles, thus making it possible for the other communities of the Empire to be represented on the Imperial Government.

This last, I said, was the conclusion to which my own report would lead. I therefore urged that the other three views should be expounded in reports drawn up by the students who believed in them, for obviously I could not undertake to make the best possible case for a view which I did not hold. I then urged that the results of the inquiry could best be produced in the form of four reports instead of only one, thus leaving the public to draw its own conclusions after reading the best that could be said for each view by those who believed in it. On this and on other occasions I was at special pains to deprecate any tendency on the part of Round Table groups to drift into propaganda. It has happened that members of groups after years of study together have found themselves in substantial agreement. I have always taken the position that each individual is free to advocate the views he holds, and also that individuals are free to combine for advocacy in any new organization, with a separate name of its own adopted for the purpose. But I have urged, and so far always with success, that the primary object of the Round Table groups would be lost if they ceased to consist of men who differ and are combined only for the purpose of study. A motion in favour of Imperial Union proposed at a meeting of delegates from the Australian groups in Melbourne last August, was negatived on this ground, although a majority, I think, believed in the ideal it embodied. I could not, of course, prevent



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a group carrying such a motion. The movement is largely a spontaneous growth ; it has no rules and no constitution, and for that very reason it is not possible for any member to declare that this or that is a tenet of the Round Table organization. It is merely a system for enabling people to unite for the study of their duties as citizens of this Commonwealth, as a guide to their own individual action. Lacking definite tenets, it naturally lacks the mechanism of a political organization.

More than a thousand copies of the address delivered at Toronto were printed and circulated to the Round Table groups.

When war broke out in August 1914 I had circulated four instalments of my report and had received a mass of valuable criticism thereon. A number of my colleagues then pointed out to me that the report would take some years to complete, while, if the British Commonwealth survived the struggle with Germany, the problem we were examining would be raised in its acutest form at the close of the war. They therefore asked me to put my practical conclusions in a short popular volume which would be ready for production whenever the crisis came. I agreed, subject to the understanding that in such a volume I could only deal with the self-governing communities, because I had as yet made no sufficient study of India.

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Then I made the first draft of the popular volume since published under the title of *The Problem of the Commonwealth.* It was printed and privately circulated in the usual way. A mass of criticism was sent in, much of which was destructive. But a general consensus of opinion was expressed that I should revise and publish it at once on my own authority, in order that the public might have time to think over the issues involved before peace came and the crisis was upon us. It was also urged that I should publish it over my own name in order to preserve the student character of the Round Table groups. Hitherto there had been no secret as to the authorship of various books I had printed ; but I had never been in the habit of putting my name on the title-page, because the question of authorship seemed so irrelevant to the value of the matter

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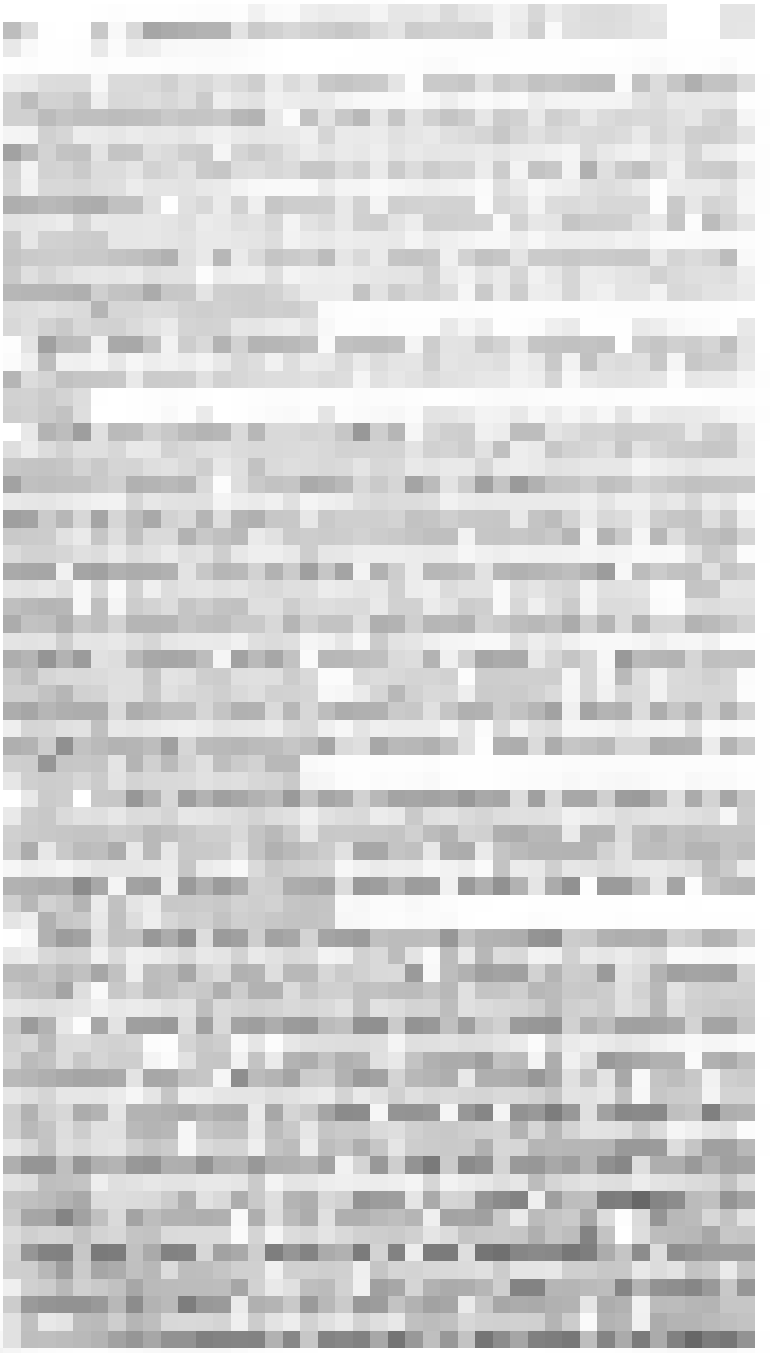

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It was so difficult to obtain paper in England that, in April, I left for Canada and Australasia to arrange for the reprinting of the *Problem of the Commonwealth* in those countries. In Australia the book was reprinted under a local 'foreword' which I will here quote in full. The signatures are important, because they include the names of two Judges and one prominent Government official. In Australia and New Zealand, the traditions of the bench are as high as in England or India, and the association of their names is in itself a sufficient disproof of the charges which have here been brought against the *Round Table* and the author of this book.

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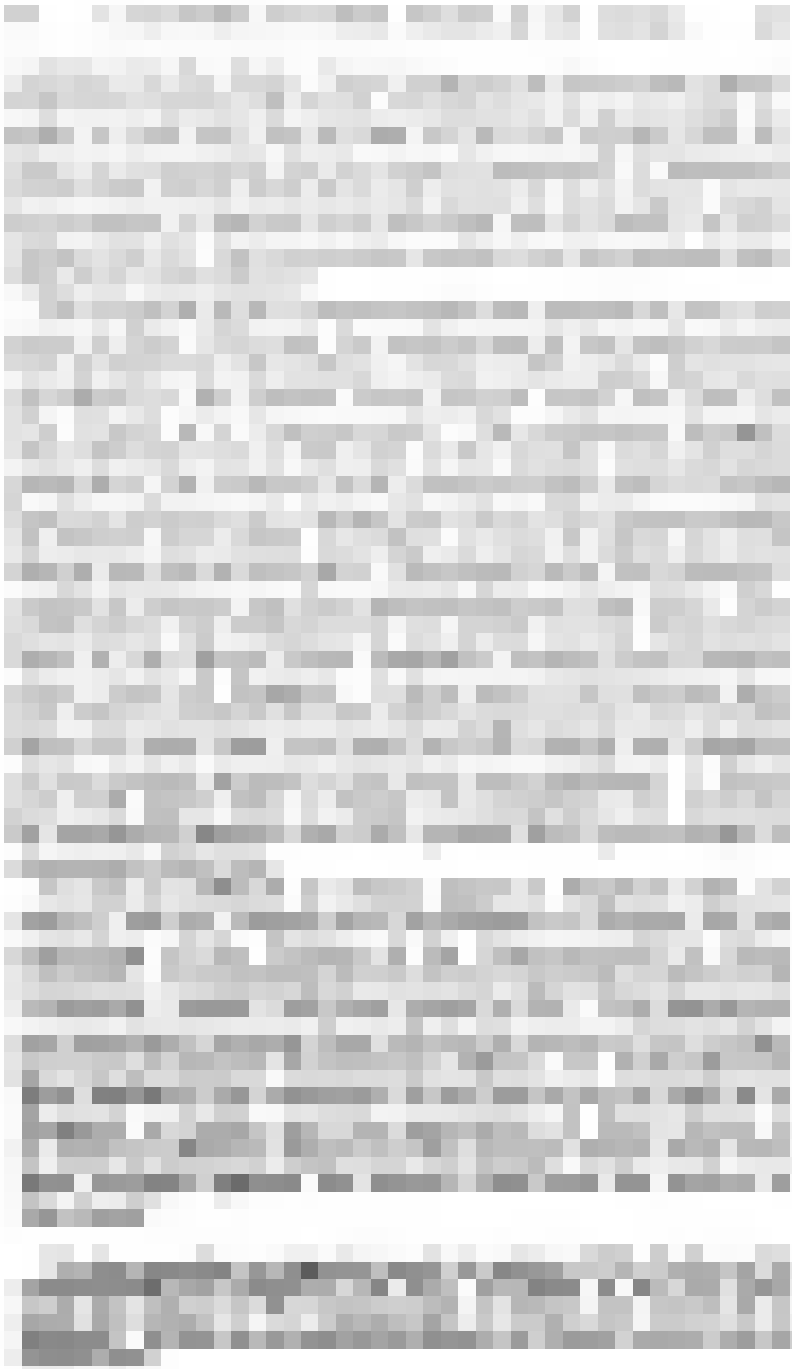

FOREWORD

In heartily recommending this book to the attention of Australasian readers, we do so without necessarily identifying ourselves either with its conclusions or with the arguments by which they have been reached. The issues raised, however, are of such vital importance to the future of the self-governing Dominions that they should be thoroughly understood and carefully considered. As Lord Cromer has said with regard to this book:[1] 'Mr. Curtis, in the preface to his work, invites political leaders to suspend their judgement, and not to commit themselves or their followers definitely in either sense. This advice will almost certainly be followed. No request could be more reasonable. All that can be done at present is to await events, to summon a Conference at the close of the war in order to discuss all the issues involved, to invite all concerned to formulate their proposals, and to resolve to approach the whole subject in highly sympathetic spirit and without undue adherence to preconceived notions based on arguments some of which have fallen into desuetude.'

We venture to endorse Lord Cromer's words, and would urge that while the war is in progress, the subject be studied as widely as possible and without reference to existing party divisions.

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In accordance with the spirit of this foreword, a movement was started in Canada, Australia, and New Zealand to organize further groups to study the question during the war. Particular stress was laid on the point that these groups should include men of all opinions. The whole object of a Round Table group is to bring together students who differ. Discussions between men who begin by agreeing are unlikely to lead to new and fruitful results.

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When this inquiry began our minds were fixed upon our own positions as British subjects domiciled in self-governing Dominions. Personally I had begun to realize, however faintly, the enormous importance of India as a factor in the problem. But I then believed that the mutual relations

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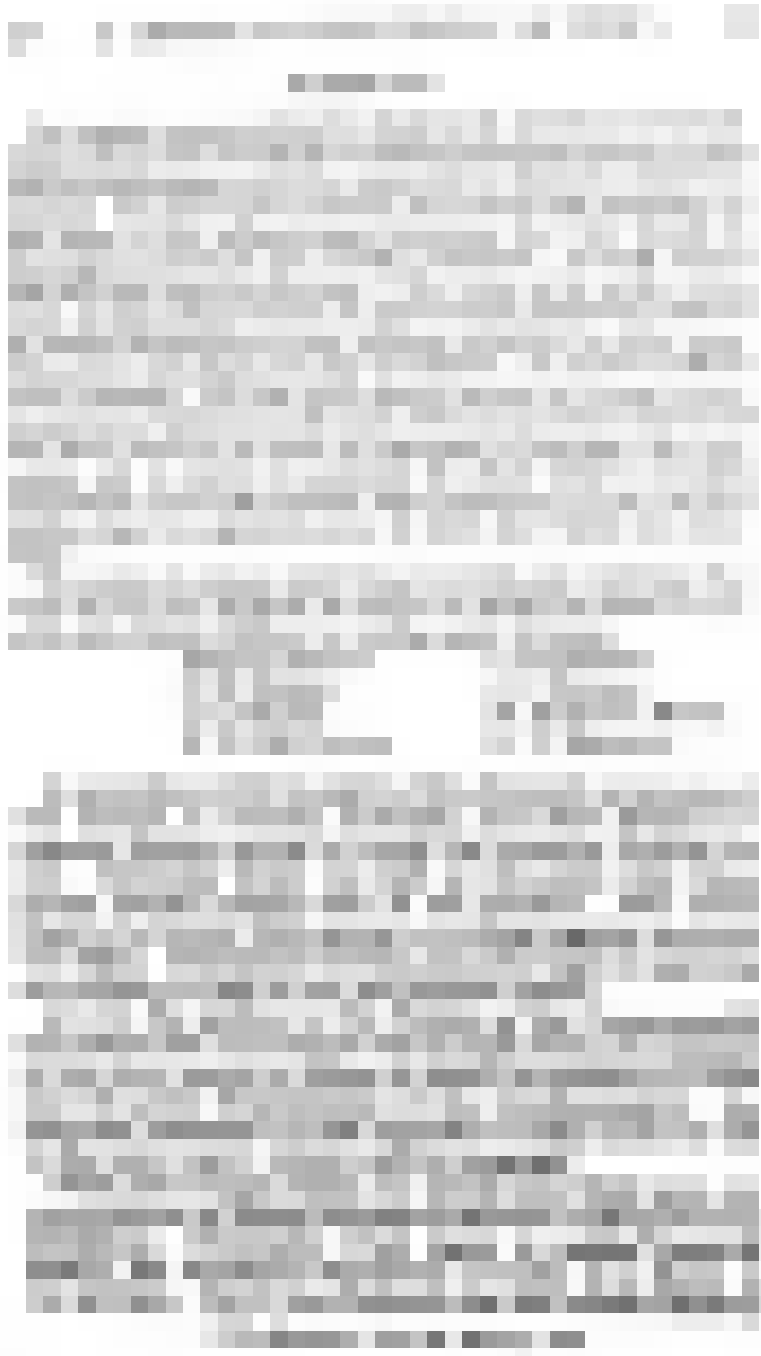

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It was the circulation of these earlier chapters in 1912 which led Sir James Meston and Mr. Marris to urge upon us once more the vital importance of India as a factor in the problem we were studying. Their representations led to an informal meeting at a country house in England (I think in 1913) of various people interested in the subject for the purpose of discussing its bearing on India. The meeting lasted several days and was attended by various Indian officials including Mr. Marris and Sir James Meston, who endorsed the views which Mr. Marris had urged in 1909. After his return to India Sir James reopened the matter by letter. He urged that most of the standard books on India, by Strachey and others, were out of date. In the last twenty years, he said, political thought in India had been moving at a pace unexampled in its previous history. He warned me against the danger of attempting to study India at a distance, and advised that I should visit the country for the purpose of hearing what Indians, and especially the Nationalists themselves, had to say on the subject. With that purpose in view he invited me to India and offered me the hospitality of his house. I must also add that in these letters he persistently advocated the representation of India on the Imperial Conference and at any future convention which might be arranged to consider the question of Imperial reconstruction.

§ 9. In response to Sir James Meston's invitation I reached India at the end of last October as a passenger from Australia on the ill-fated *Arabia*. On the ship before landing I received a communication from a responsible official of the Bombay Government asking me to see him. I did so and was furnished with a copy of a public lecture on my books delivered by an Indian and with copies of speeches by leaders of the Home Rule movement touching on the same subject. I consider the action of the Bombay Government

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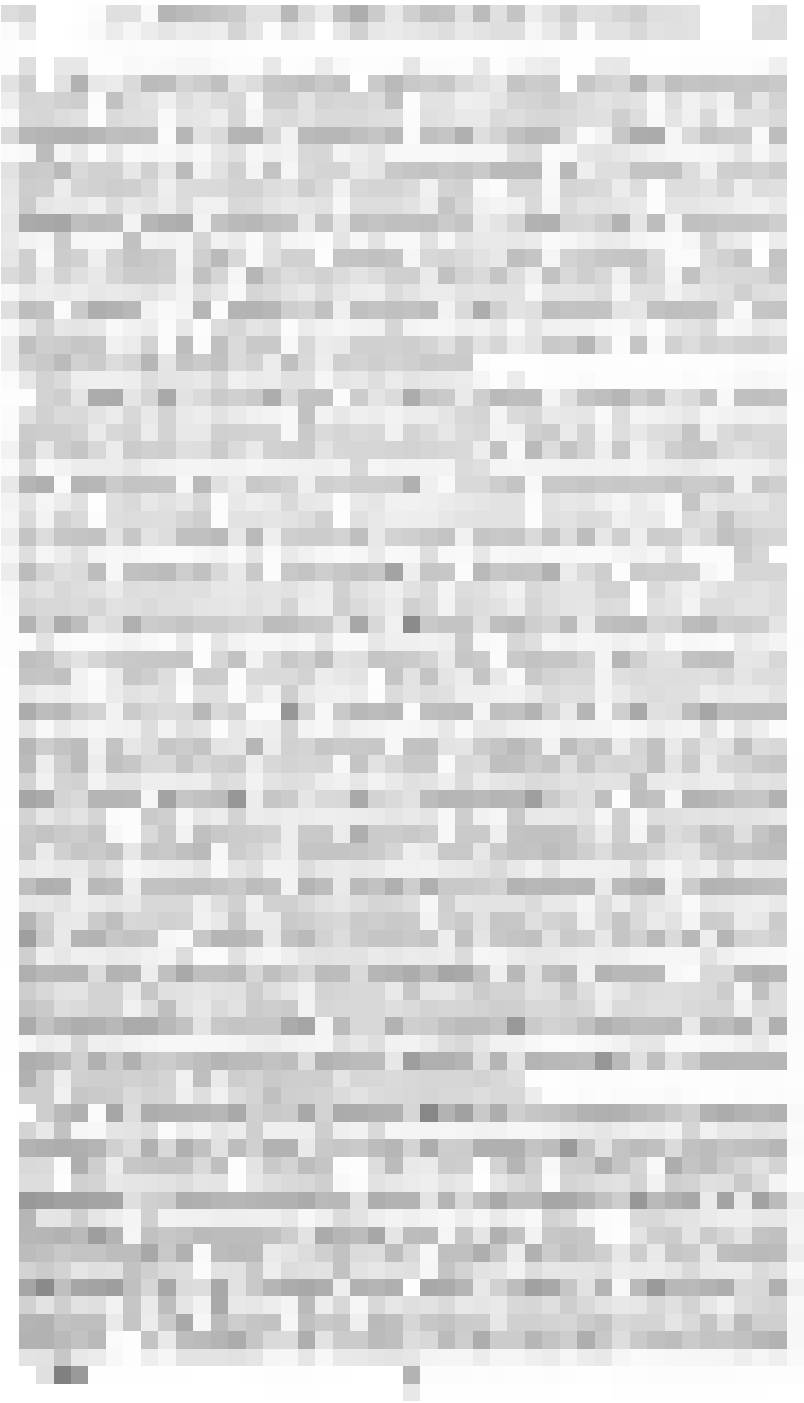

most proper, and I mention the fact here as it is typical of my relations with the various governments in India. I have since asked governments to furnish me with copies of speeches and newspaper articles relating to the matter upon which I am engaged. I have asked the Home Department to obtain and supply me with an estimate of the total number of voters of all kinds in India. I cannot recall any other instance in which I have asked for papers which had not been published.

At Bombay I stayed with the Editor of *The Times of India*. I then went to Viceregal Lodge at Delhi in response to an invitation received and accepted in Australia, where I had first met Lord Chelmsford six years before. Then, as Sir James Meston was unable to receive me till November 11, I went to Simla to see Sir Valentine Chirol. The reason for his being in India is well known and has no connexion whatever with my presence here. He was an old friend whom I wanted to see, and as one who has a large acquaintance with all parts of India, his advice as to my future movements was of special value to a student who was new to the country. He accompanied me to Allahabad where we stayed with Sir James Meston. Mr. Marris was camped in the neighbourhood.

I had given my colleagues on the various Round Table groups to understand that I should devote myself during the cold weather to collecting opinions, information, and material, returning to England in the spring to work them into shape. As to the places I should visit and as to the persons I should see in India during these six months, I had written to Sir James Meston that I should make no definite plans until I had seen him and Mr. Marris. During the three weeks between my landing and arrival at Allahabad I came to the conclusion that the task I had undertaken here was so formidable that I could not hope to do justice to it if I left in the spring. I felt that I must write the first draft of what I was going to say in India itself in order to discuss it with men on the spot. The importance of warning my colleagues not to expect my return to England in the spring was the consideration which overshadowed all others in my mind.

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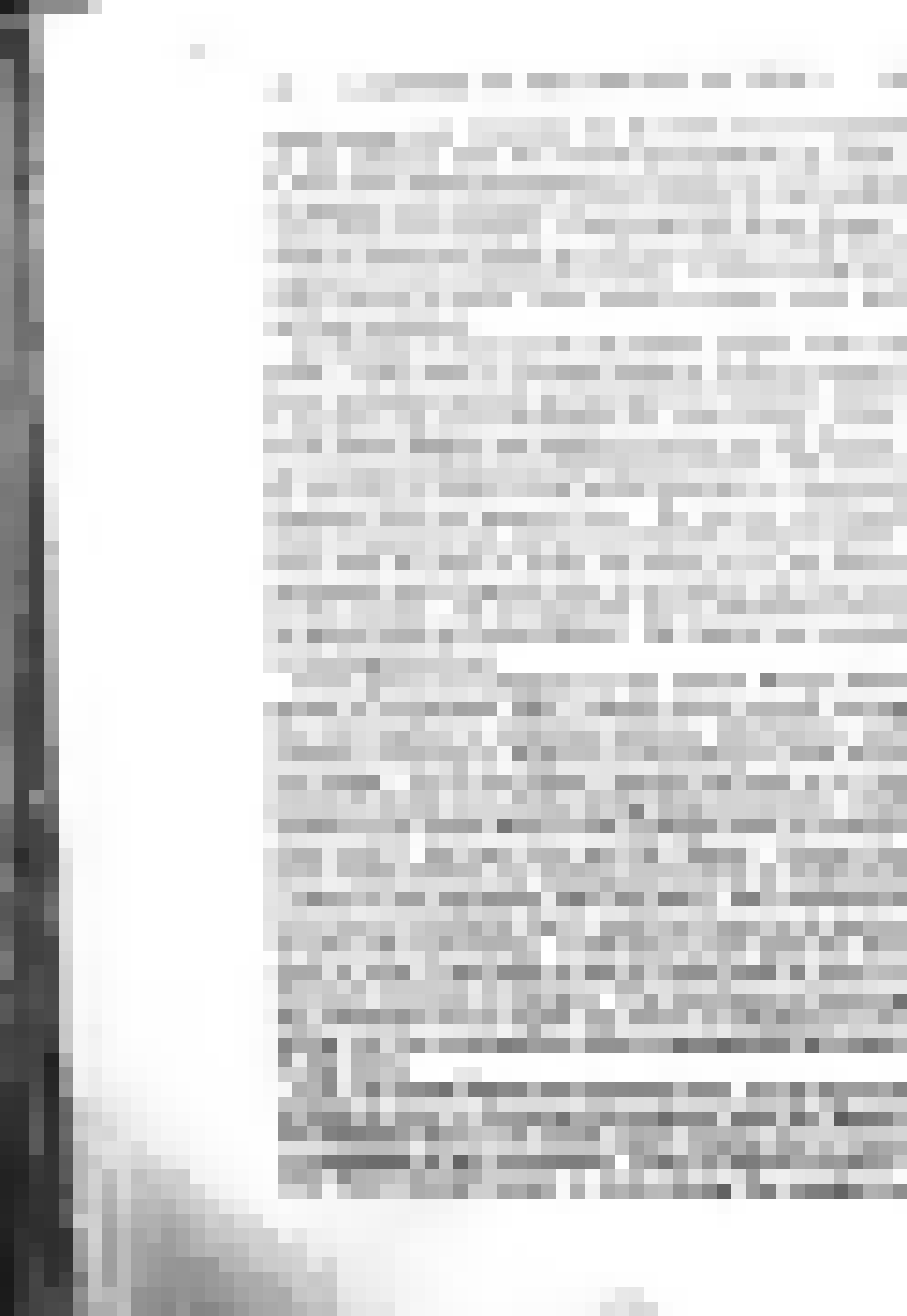

most proper, and I mention the fact here as it is typical of my relations with the various governments in India. I have since asked governments to furnish me with copies of speeches and newspaper articles relating to the matter upon which I am engaged. I have asked the Home Department to obtain and supply me with an estimate of the total number of voters of all kinds in India. I cannot recall any other instance in which I have asked for papers which had not been published.

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PRIVATE.]

LIEUTENANT-GOVERNOR'S CAMP,
UNITED PROVINCES, INDIA,
The 13th November 1916.

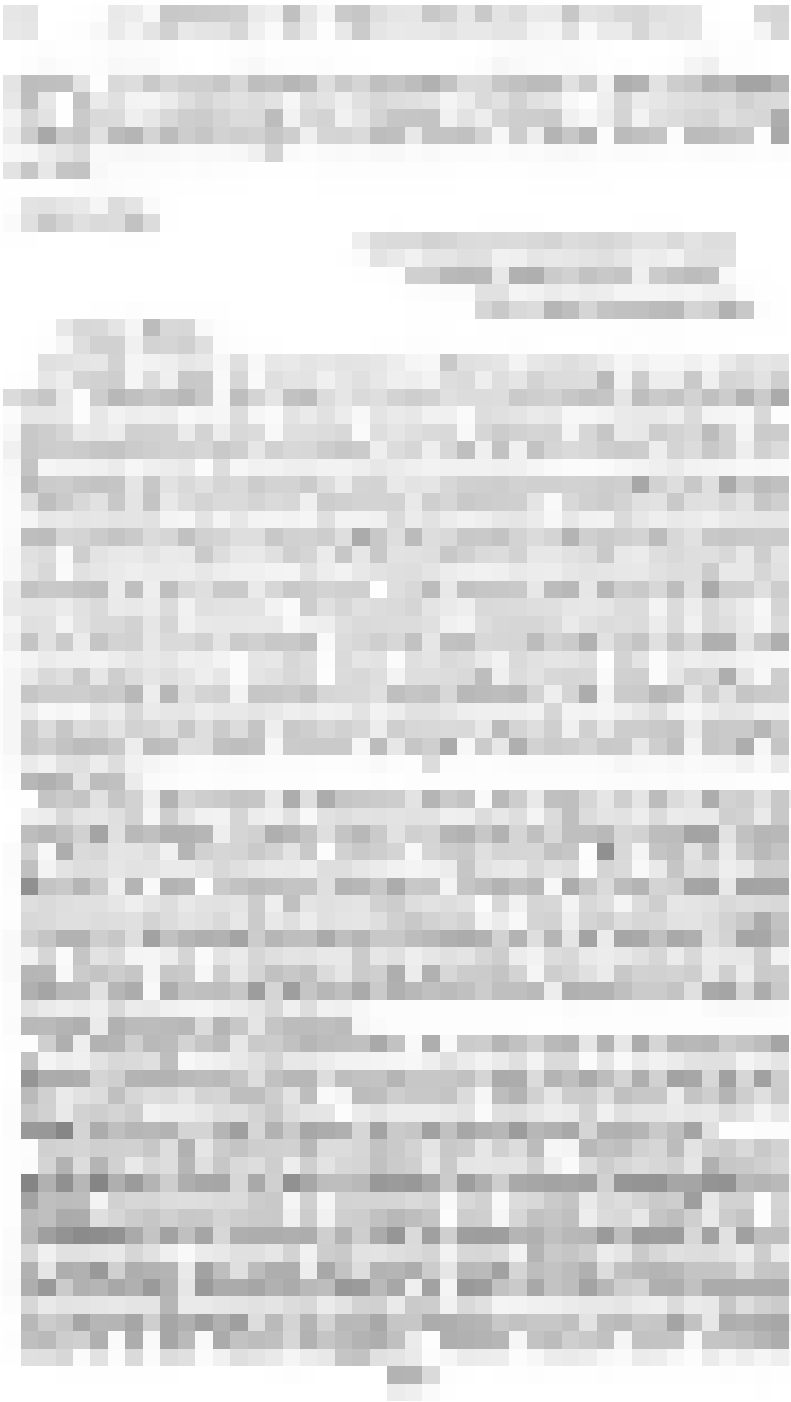
DEAR KERR,

I found a copy of your letter to Marris awaiting me on arrival here. Meanwhile the mass of letters to numerous correspondents which I wrote on the *Arabia* between Adelaide and Bombay, the accumulated arrears of months, are now at the bottom of the sea. My report on the Australian visit for circulation amongst the groups I fortunately reserved for printing at Bombay. Before this reaches you several hundred copies for general circulation should have reached you from the office of Sir Stanley Reed who kindly arranged the printing on his own machines. This report was supplemented by four holograph letters. Fortunately I retained copies of three of them which I am sending. For the rest I will ask my friends and correspondents to realize that, having devoted the voyage to discharging all my arrears of correspondence, the letters I wrote them are irretrievably lost and could not now be re-written without sacrificing time which I have no right to divert from the work in hand here.

After six days with Sir Stanley Reed, the editor of the *Times of India* at Bombay, I visited Lord Chelmsford at Delhi, joining Chirol at Simla on November 4, where I stayed with Mr. Claude Hill, Member of the Viceroy's Executive Council, and had long talks with him and several of his colleagues. I was also able to digest a mass of interesting documents furnished to me at Bombay, Delhi, and Simla, and to discuss things generally with members of the Indian and Provincial Governments who have treated me with the utmost kindness and freedom.

On arriving here on November 11, I was able to sit down with Meston, Marris, and Chirol to survey the task before me and to outline a plan for tackling it. This letter, which has been revised in detail by them, may be taken as representing our joint view.

Let me briefly survey the position as I see it. Under the auspices of the Round Table we have published two volumes, arguing that the British Commonwealth is necessary not merely to itself but to civilization as we conceive it, that it cannot be now saved by force of arms alone, and must still perish unless British subjects in the self-governing Dominions assume in time the same responsibility for matters common to the whole Empire as now rests upon British subjects in the United Kingdom. These volumes have received



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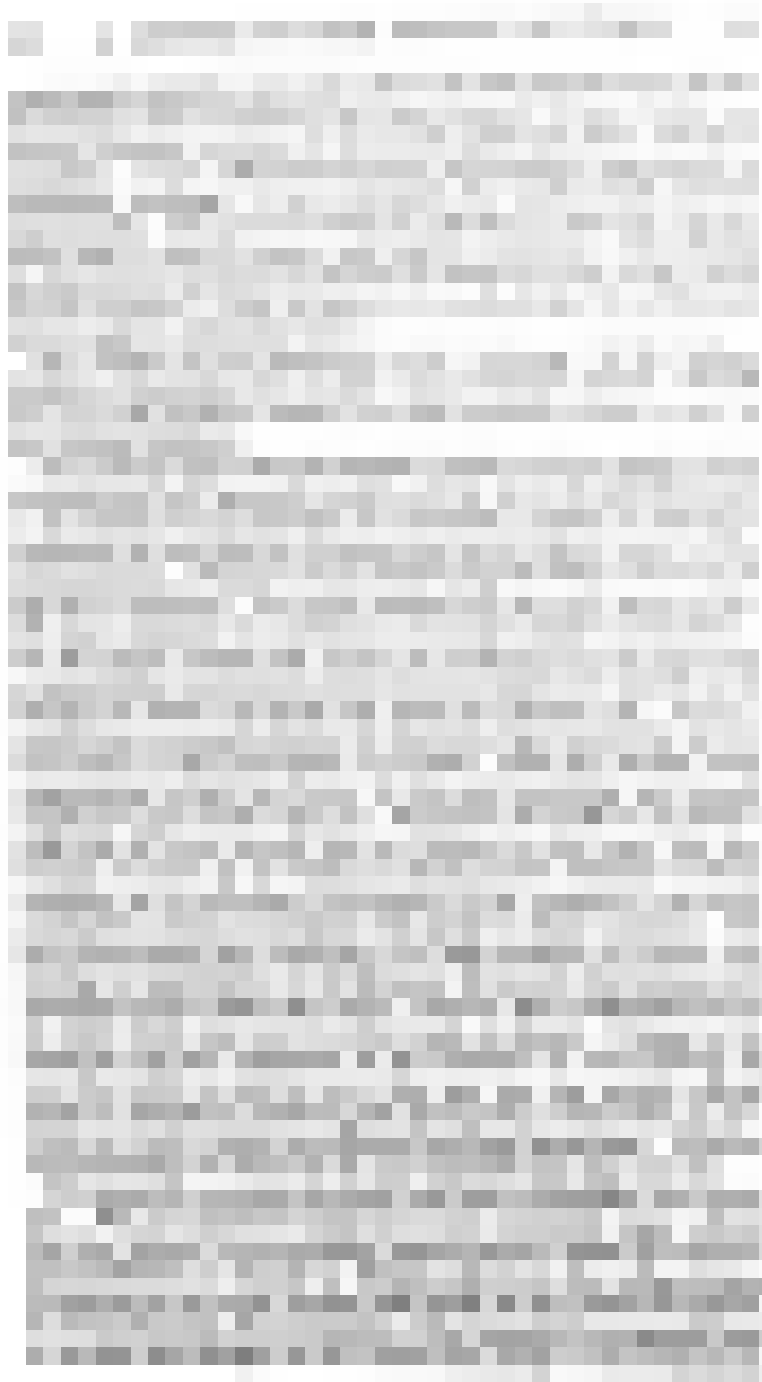
considerable attention not only in the United Kingdom but in all the Dominions, three of which I have just visited. I have before me several hundred reviews of the books gathered from all these countries. I have addressed and have been publicly questioned at numerous meetings. I have discussed the matter with persons innumerable. The general verdict so obtained is that the case we have made is hard to answer and largely convincing. But all this is subject to the question specifically left unanswered in chapter XIX of 'the Problem' 'How is India to be worked into the settlement which ought to follow the war?'

The position is well illustrated in the 'red page' of the *Sydney Bulletin* of September 28, my last copy of which I attach. Should this copy also perish in transit you could probably obtain a copy at the Colonial Institute.

The position thus is that thousands of readers, whose number daily increases and will presently include all the more thoughtful minds in the British Commonwealth, are expecting a volume in which we undertake to treat this the thorniest and most delicate aspect of the whole problem. Whatever we say will be properly subject to a searching fire of criticism. But what weighs with me even more is this. We have obtained the confidence of a large number of readers for the simple reason that people are impressed by the fact that a real problem was foreseen and no time nor pains were spared in our attempt to define its limits and work the solution out. Seeley's results were necessarily limited by his lack of any knowledge at first hand either of the Dominions or of India. With the Round Table organization behind him Seeley by his own knowledge and insight might have gone further than us. If we have been able to go further than him it is not merely that we followed in his train, but also because we have so far based our study of the relations of these countries on a preliminary field-study of the countries concerned, conducted in close co-operation with people in those countries. We have thus gained the confidence of a large number of readers who having no opportunity of checking our facts and observations will take them more or less at face value. Thus we have established a kind of credit which may now be either used or abused. Owing to the character and the magnitude of the audience we now address all over the world, we can do more than any one else outside official circles to indicate a practical path through the crisis before us provided our work is based on sufficient first-hand knowledge. Without such knowledge we stand to do more mischief than any one else.

The question, an answer to which I am here to formulate, is a simple one. We are convinced (and have now convinced many others) that the British Commonwealth cannot survive unless its supreme responsibilities are shared by British subjects in the self-governing Dominions on an equal footing with those in the United Kingdom. To secure that end, the mechanism of the Imperial Government must be revised and enlarged so as to admit the people of the Dominions.



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Thereby the people of the Dominions will assume control of the future and fate of the 370,000,000 of people in the Commonwealth who have not as yet attained to self-government. Yet to lump these 370,000,000 into one class is to ignore facts. The people of Central Africa are scarcely capable of forming any valid opinion as to how they ought to be governed. There the task of rulers is to study their natural history and, so far as may be, their spiritual history, and provide them with the best government we can in the light of that study. We can scarcely invite their opinion for the reason that they themselves cannot formulate any opinion. With the people of India it is otherwise. This vast varied and closely congested community contains small but important sections who can and do formulate opinions on political questions. The opinion of these sections cannot be accepted as the final criterion of Indian policy if only because the sections in question are relatively too small. If the responsibility of final decision were committed to the sections capable of forming an opinion, they could not discharge it. They could not themselves enforce their decisions on the overwhelming majority who would overpower them, and we cannot enforce political decisions which are not ours. Indian opinion cannot rule India, at any rate until the Indians capable of forming such opinion are united, organized, and numerous enough to exact regular, willing, and continuous obedience from their fellow countrymen who have not as yet acquired the faculty of political judgement. This would be so if Indian opinion were really as sound and disinterested as our own now is, with all its conspicuous failures. Certainly it is not. It has to improve in quality as well as in quantity, and it must be the first business of our Government to improve both. But still Indian opinion there is, in a sense in which there is no political opinion in Central Africa. And the fact is rightly recognized. Broadly speaking, Government is at pains to recognize such opinion as there is. It accepts it where it can, often when it thinks that Nationalist opinion is not the best, ignoring it only where it appears so unsound that to accept and act upon it would lead to disaster. The policy of the British Government is to develop that opinion and to allow it to influence policy more and more. The responsibility of final decision it still reserves to itself. But it now looks to a time, however remote, when it will be able to transfer that responsibility to a section of Indians sufficiently large, disinterested, and capable of sound political judgement to assume it.

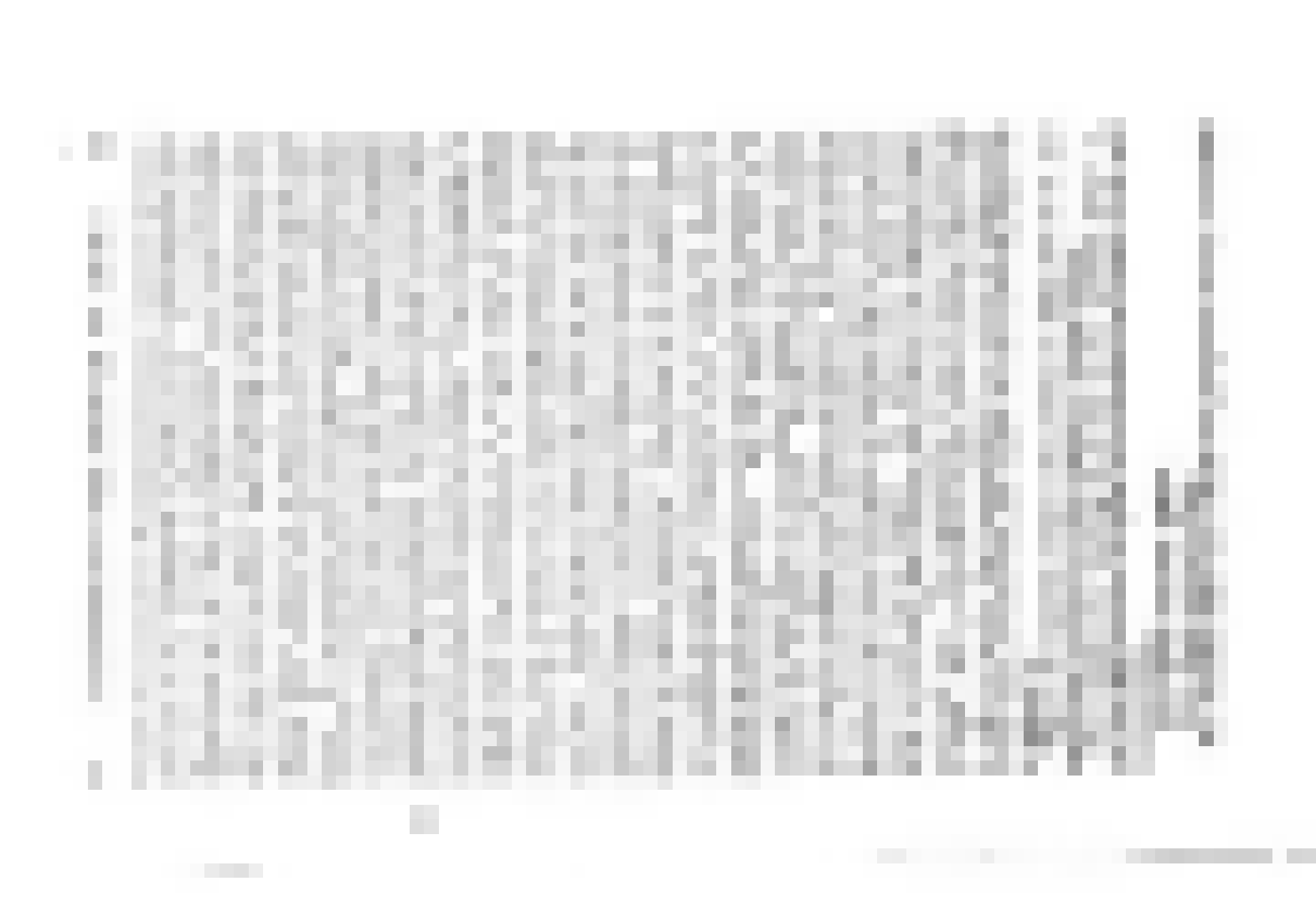
That in the faintest outline is the position in India as I see it, and that is how it differs from the position in Central Africa.

Now consider the bearings of all this on the problem before us. Our new and reformed Imperial Government must control India and Central Africa—

(*a*) in their domestic affairs,

(*b*) in their external affairs.

The domestic affairs (*a*) of these two groups are already controlled



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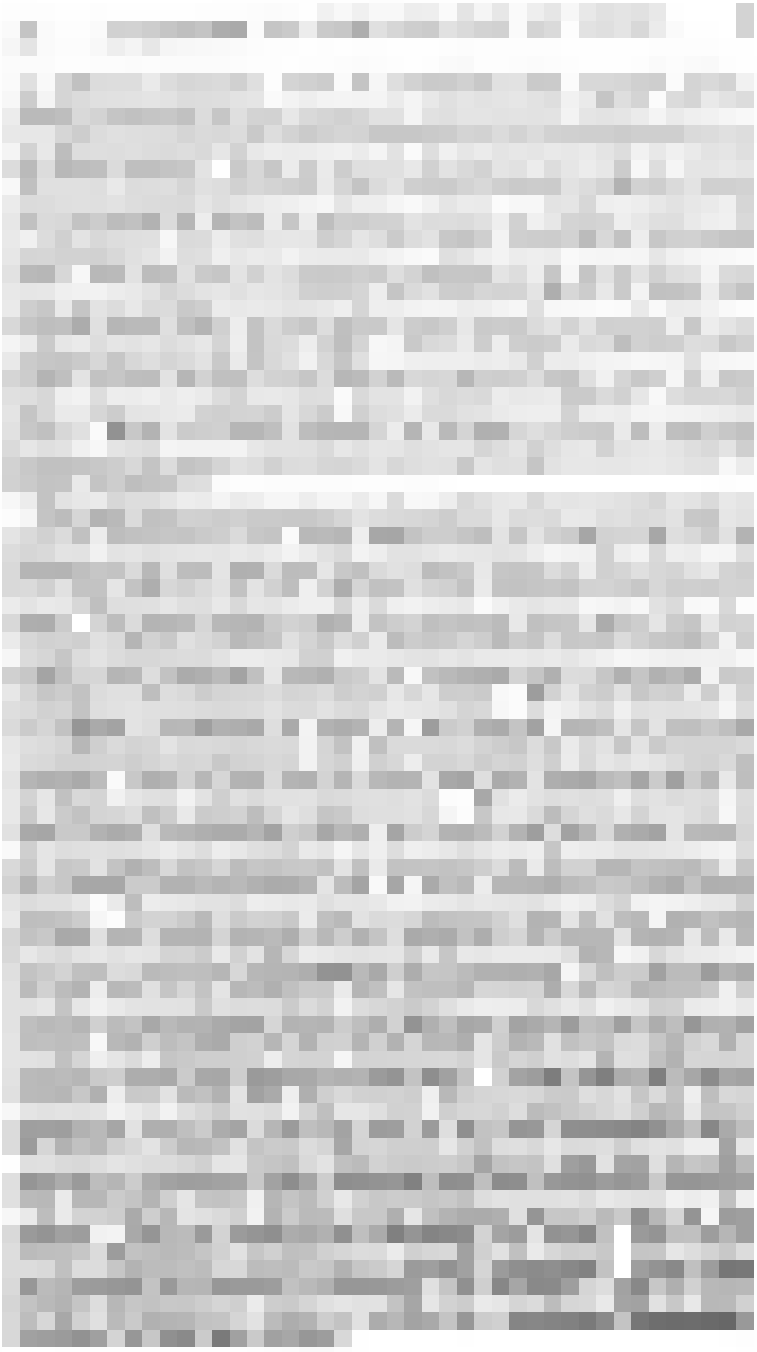
on different principles. Now in controlling their external affairs, closely connected as they always are with domestic affairs, will you be right in lumping India with Central Africa and in treating them on the same footing? If so, let us do it, facing the fact that we cannot effect the changes advocated in the volumes already published without provoking in India an agitation, which, as I judge might lead to bloodshed. Let us face that, if it is right, with all the attendant risks; but only after an exhaustive analysis of the *prima facie* case that as our method of controlling the domestic affairs of India and Central Africa differ, to that same extent *should our method of controlling their external affairs differ*. If we are right in allowing such Indian opinion as there is to influence domestic policy, must we not find a way of enabling that same opinion to influence external policy? Must not Indian influence be brought to bear on Imperial decisions to the same extent that it is being brought to bear on purely Indian decisions?

Our task then is to bring home to the public in the United Kingdom and the Dominions how India differs from a country like Great Britain on the one hand and from Central Africa on the other, and how that difference is now reflected in the character of its government. We must outline clearly the problems which arise from the contact of East and West and the disaster which awaits a failure to supply their adequate solution by realizing and expressing the principle of Government for which we stand. We must then go on to suggest a treatment of India in the general work of Imperial reconstruction in harmony with the facts adduced in the foregoing chapters. And all this must be done with the closest attention to its effects upon educated opinion here. We must do our best to make Indian Nationalists realize the truth that like South Africa all their hopes and aspirations are dependent on the maintenance of the British Commonwealth and of their permanent membership therein. We must do our best to convince them of the mischief to their own cause wrought by the deliberate campaign which is on foot here to embitter feeling against the Dominions. The cultivation of hate here as in Ireland is the greatest of all the obstacles to freedom, an *ignis fatuus* which only leads men into an ever-deepening morass. But anything we say will be futile unless we have taken the trouble to study their position at first hand. I must make the leaders scattered over India feel that I have been at pains to learn their aspirations from their own lips and to try and understand them. We shall do positive harm if they have reason to say that we offer opinions on questions vitally affecting this vast community without even discussing with Indians what Indians have to say on the subject. They are reading and discussing our books. The whole stock in Macmillan's hands here is already exhausted. ***New India*** has devoted five articles to reviewing 'the Problem' and for your further information I attach a lecture by a moderate Nationalist, Pradhan, on both the volumes.



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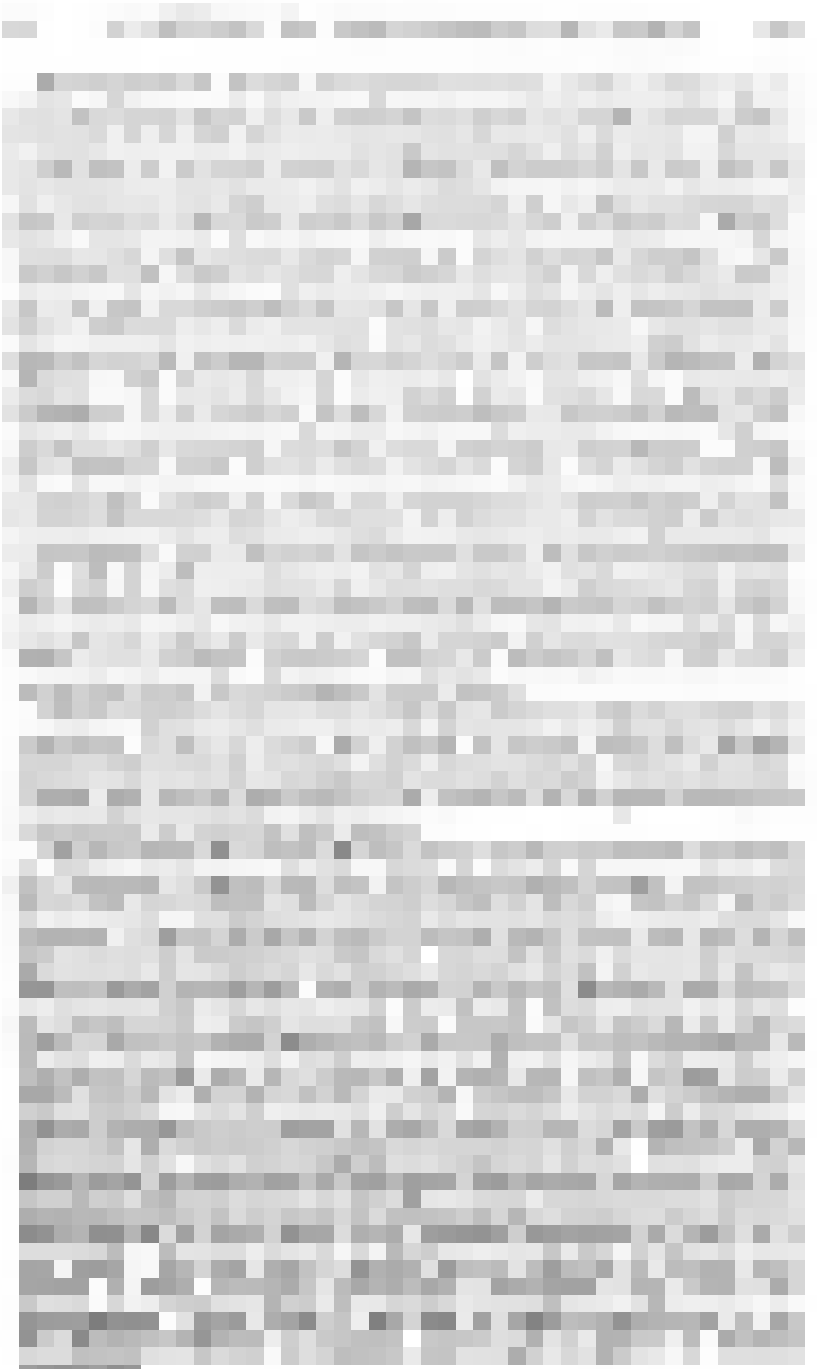
On December 6 I am to reach Calcutta where I shall stay with the American Y.M.C.A., who are closely in touch with the Bengali youth, Duke's friend, Gourlay, and Lord Carmichael. Here, of course, I must pay special attention to the position of the great European community in Calcutta and Assam.

On December 24 I rejoin Meston for a week at Lucknow to attend the National Congress and the All-India Muslim League which will then both be holding their annual sessions there. Thence about January 1 I go to Bombay for a few days with Chirol who will then take me to the Resident in Mysore, who will show me an advanced Native State in working. On January 15 I go to Madras, and thence on January 25 I leave to visit the Round Table group at Agra. Then I am to go with Marris into camp again in a typical district of Northern India, see the Collector at work and what village life in India means—the life led by a vast majority of the population. About February 18 I return to Delhi where Lord Chelmsford wants me to see the Viceroy's Legislative Council at work. There I shall have ample opportunities of seeing the Nationalist members and the members of the Government of India, several of whom I have already met, and all of whom show every possible disposition to help us in our work. By that time I should have a long list of things upon which I want accurate information obtainable only from the Secretariats. From Delhi I am also to make expeditions to see Sir Michael O'Dwyer at Lahore, and to get a glance at frontier conditions.



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Then about April I shall begin to arrange my materials and ideas and to draft out what I am going to say. For on this point we are all of one mind. I must draft out my results before I leave India for two principal reasons. In the first place the moment one starts to draft one runs into points which cannot be dealt with, without accurate documentary information. Before leaving England I wanted to see how the so-called elective members on the Indian and Provincial Councils were elected and who and how many were the electors. The information was not obtainable in the India Office, had to be sent for to India and had not arrived when I left. Even here the complete information can only be furnished by reference to Provincial Governments. It is vital to the whole treatment of the subject to show how many of the 315,000,000 inhabitants of India have any voice, direct and indirect, in choosing these so-called elective bodies, and also how far election is as yet a reality at all. To leave India without having the facts and figures settled is to court indefinite delay, and it is impossible to foresee and collect all the material necessary until you actually draft.

But there is a more important consideration. As a sort of super journalist much of my information has been derived from pumping people with first-hand knowledge. But whenever I have worked out my results and submitted them to those on whose verbal communications they are based, a host of misunderstandings have invariably come to light. This is why our reports have on the whole stood fire as well as they have. We have drawn criticism from responsible quarters before we published. I should hesitate to publish anything until I had threshed it through with half a dozen men like Meston and Marris first. I shall not always agree with them (or they with each other), but I must know first where I differ and also why, if I am bold enough to go on differing. Meanwhile copies can be sent to you so that the Indian moot can prepare their criticisms against my return, the date of which it is useless to forecast as yet. All I can say is that I shall spare no pains to get the results ready for publication before the next Imperial Conference can be held. The period of the cold weather is all too short in which to acquire the knowledge necessary for such a task, and to leave India, without first submitting my version of the facts, my reasoning upon them, and my final conclusions to those who have furnished the materials is to court misunderstanding from the outset.

Meantime let me frankly confess that the task of coping with all the correspondence which reaches me in a country where stenographers are scarcely available is plainly impossible. I could only do so by neglecting the writing up of my notes, and leaving so much information obtained by word of mouth to sink into the limbo of forgotten things. My only chance is to make careful *subsequent* notes of conversations, for most people can't talk freely to a man armed with a pencil and note-book. For this reason I shall be deeply indebted to all my friends who will acquit me of avoidable neglect in this matter.

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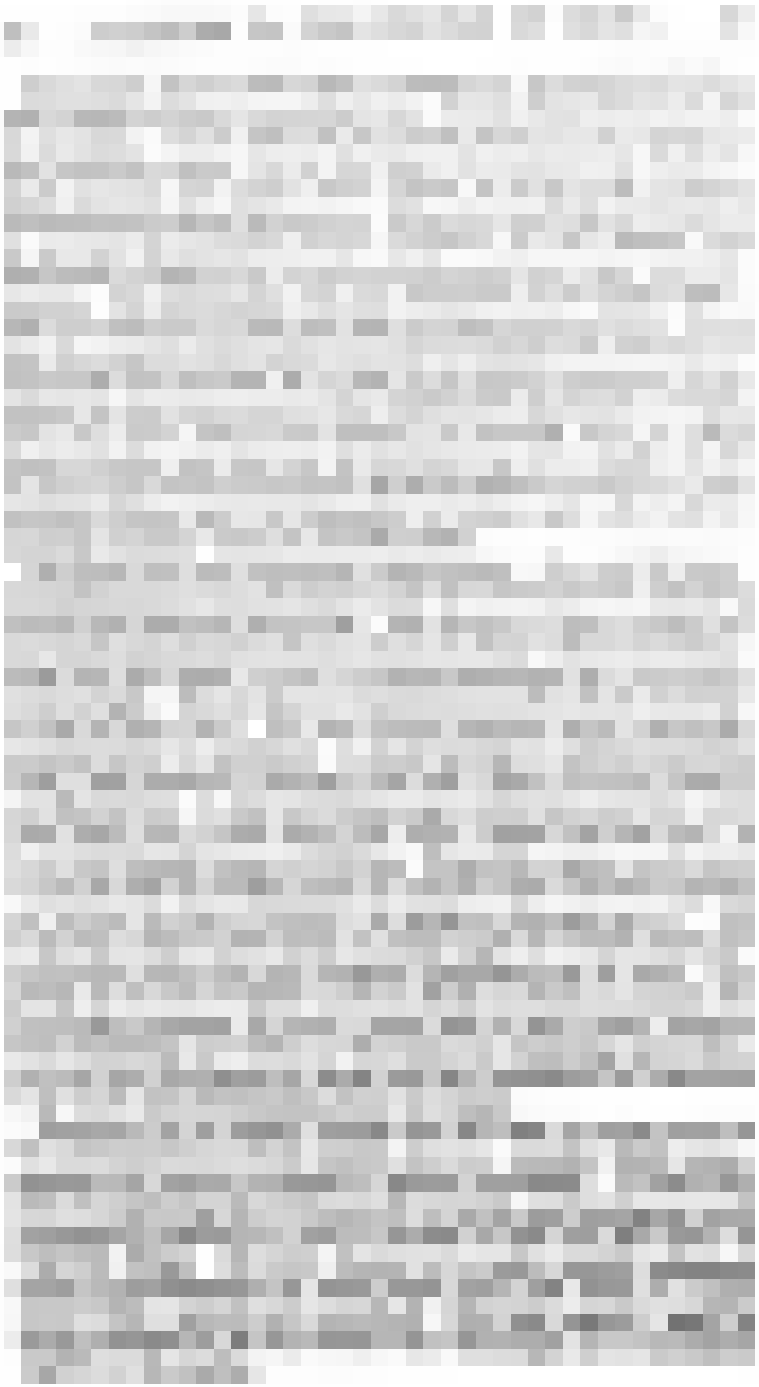

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Yours sincerely,

L. CURTIS.

To The Secretary of the Round Table, 175 Piccadilly, London, W.

§ 11. From the foregoing narrative it will easily be understood that I have developed in the course of years close personal relations with an enormous number of friends all over the Empire. Their homes are open to me when I travel, as mine is to them when they come to England. They write to me freely and I can only keep pace with my correspondents by the assistance of one or two skilled stenographers. Even so, in order to deal with the letters I receive, I have often been driven to multiplying copies of a private letter to one friend and sending them to a large number of others. I have commonly followed this practice where a letter dealt with matters affecting the progress of our work. I have often kept by me a pile of such copies for some weeks, using them for replies to my Round Table colleagues as their letters came in. My typist having enlisted I was unable to bring him with me as I had done on a previous tour, and so I have found myself much in the position of a doctor who tries to deal on foot with a practice developed with the aid of a motor. On my recent voyage from Australia to India I had, by dint of continuous writing, worked off my accumulated arrears. I had recently heard that all the results were lost in the *Arabia*, so I wrote to Mr. Kerr with the intention of following my usual practice.

When I sat down to write this letter on November 12 I had not discussed the political situation with Sir James Meston at all. I know this, because shortly before I left on November 24 I had half an hour's talk with Sir James on the subject, and he expressed his regret that he had not found time to discuss the political situation, and promised to do so when I rejoined him at Lucknow for Christmas week. With Mr. Marris I can have discussed it very little, if at all, as during the brief intervals we had together we were largely occupied with the question of my own plans.

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As my writing is not very good, Sir James preferred to read the letter in proof. It was therefore sent to the press, and I gave the proof to Sir James, but he was so busy that he was unable to deal with it before the evening of November 23, the day before I left. Later on I learned on unimpeachable authority, though he was too generous to say so himself to me, that he had not found time to read the proof. It came back to my hands without a single alteration. My recollection is (though I might be mistaken in this) that I then inserted in the proof at the end of the third paragraph the words 'This letter, which has been revised in detail by them, may be taken as representing our joint view.' When inserting this sentence I was thinking solely of the subject before our minds, my own plans, and especially of the agreement that I ought to remain here during the summer. The proof having lain on Sir James's table from about November 15 till the night of November 23, a few hours before my departure, I completely overlooked the fact that I had not shown it to Mr. Marris. He never saw the letter, and I never realized that he had not seen it, until a month later. The thing was a blunder occasioned by the haste in which I was trying to dispose of a number of different matters on the eve of my departure. My apologies are due to Mr. Marris and to him alone. Had I been writing for publication the mistake could not have occurred because the letter would have needed his signature.

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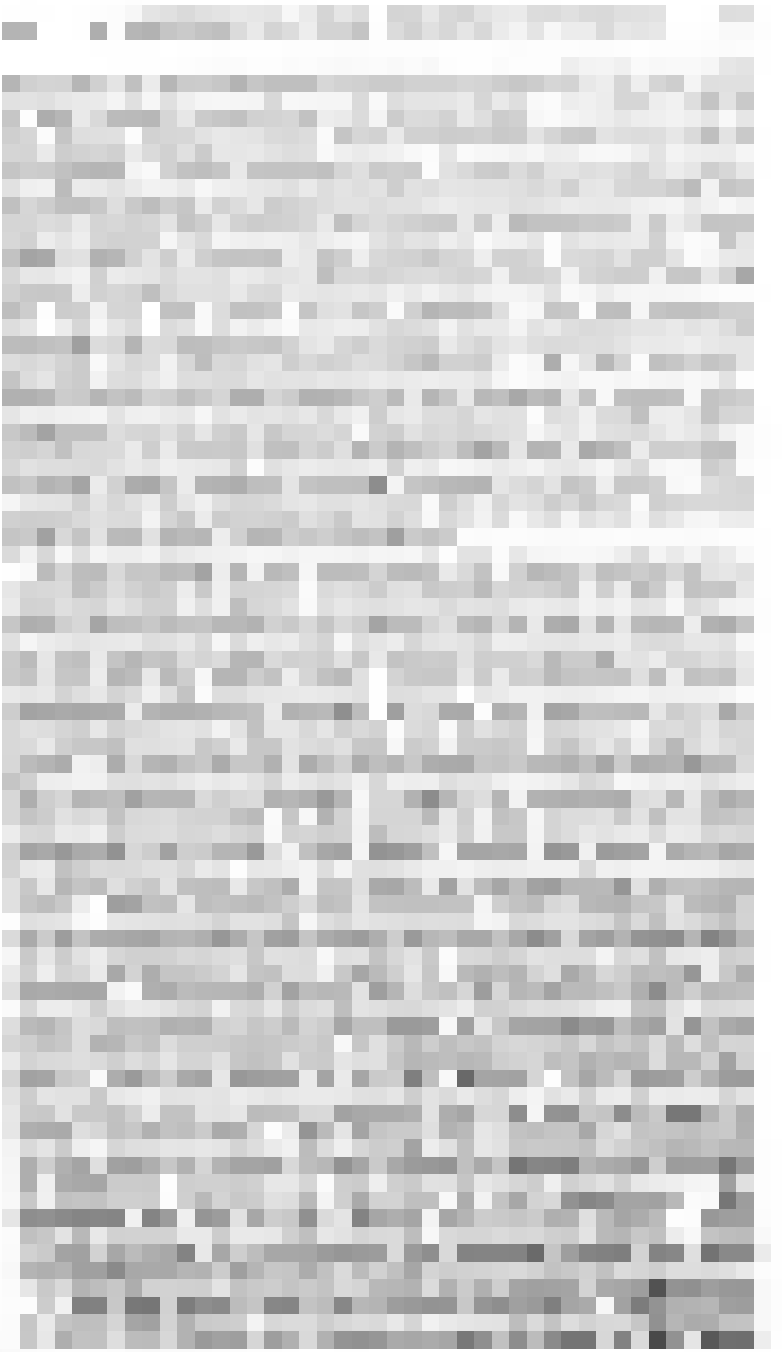

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Turning to the letter itself there is one point upon which I have to express my regret. I refer to the statement 'that India yet contains primitive tribes as backward as and more numerous than the aborigines in all Africa'. I now realize that the figures I had in mind included the depressed classes in India who certainly stand on a plane of civilization entirely different from Negro society. I am sorry to have made such an error even in a private letter, yet strangely enough it has scarcely been noticed.

§ 12. The answer to most of the serious charges brought is contained in the letter itself. Take for instance the most serious charge—that I urged the subjection of India to the colonies at the cost of bloodshed. That word is purposely chosen to point a warning—as a preface to a plea for finding a course acceptable to India. Incidentally I add 'Let us face that, *if it is right* with all the attendant risks'. I do not wish to alter a word of that sentence and never shall. We resisted the invasion of Belgium with all the attendant risks, though we knew that the world would run with blood—because it was right. To prevent the secession of South Carolina Lincoln steeped his country in her own blood—because it was right. If a thing is right it cannot be wrong, and to any one who does not hold the faith held by the Jains, bloodshed may on occasion be right. But I do hold that no one is justified in adopting a course which may lead to bloodshed, unless after the fullest inquiry he is assured that it is right, and has left no stone unturned to find another.

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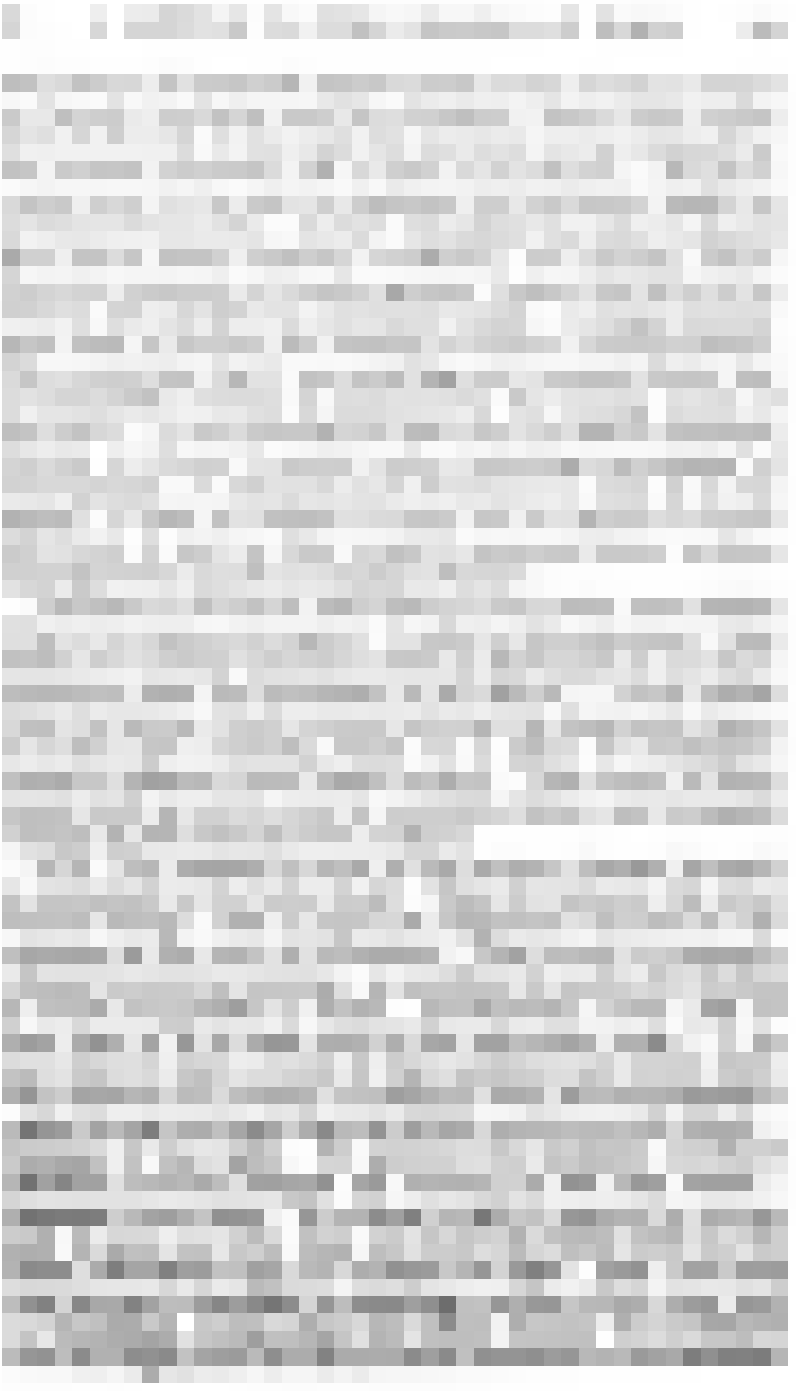

The chance that a course may provoke bloodshed is nearly always a proof that it is wrong. Personally I should say that Ireland should be given home rule when and *only when* the reform can be carried without civil war. On the other hand to take a purely imaginary case, if some one had stirred up the Europeans resident in India to resist the Morley-Minto reforms, I personally should have favoured the use of any force necessary to repress such resistance. No general rule can be framed in such matters: it is all a question of opinion, and each case must be judged on its merits. But this I do say that a thoughtful man will be slow to accept a new policy if he is warned that it may lead to bloodshed. It will need the most cogent reasons to overcome the suspicion with which he will view it. Writing to thoughtful men I felt it my duty to tell them that here was a policy to which India would have the profoundest objections, and went on to urge that India herself must be given a voice in the organ of government which controlled her affairs. The rest of the paragraph is an argument that the opinion of educated India is entitled to such a place.

The charge that I have compared Indians to Negroes I pass. Any one who can read the letter at all can judge of its truth. It is just as true, no more and no less, to say that I compared Indians to Europeans.

The charge that I am a foe to self-government for India is also refuted by the letter itself. 'We must outline clearly', I wrote, 'the problems which arise from the contact of East and West and the disaster which awaits a failure to supply their adequate solution, by realizing and expressing the *principle of government for which we stand*.' The whole argument of the books I have published is that self-government is the principle for which we stand. In a condensed phrase, such as friends who know each other's ideas use to each other, I am saying that self-government must be applied to the East as well as to the West.

With one exception the passage in my letter dealing with politics is simply a crude and hasty summary of views already contained in my published books. The one exception is the argument that India must be given a voice in Imperial affairs. My last book, *The Problem of Commonwealth*, is specifically confined to the position of the United Kingdom and the Dominions in a future Imperial Government. I had to express my honest belief that no Imperial Cabinet could control foreign affairs unless it included the Secretary of State for India. But I had specifically left the position

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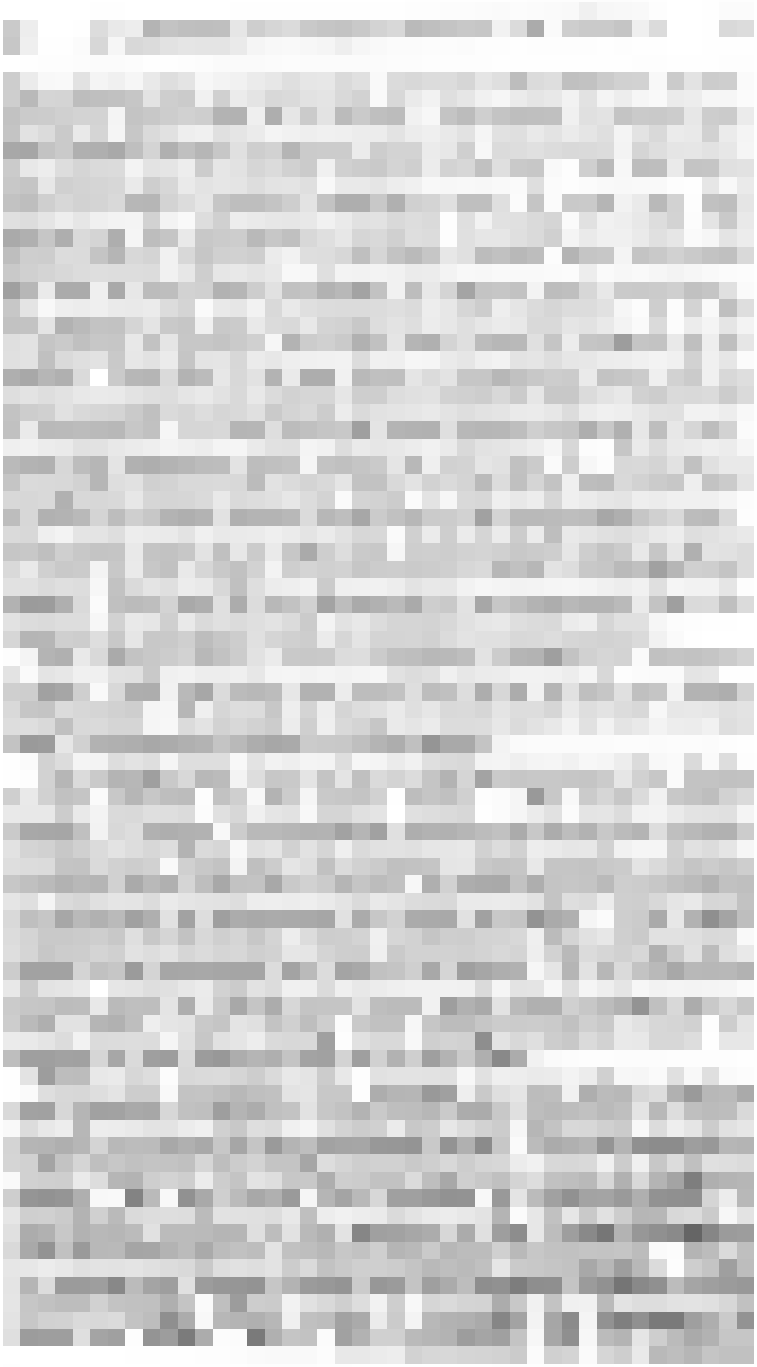

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This summary of my views was purely incidental to the point occupying our minds on November 11 and 12 which was, my movements in India and the length of my stay there. There was no call for any agreement between us on Indian politics either then or later. As I stated at the end of the letter, 'I shall not always agree with them (or they with each other).' I said this because I do not always agree with them. It is not clear in the letter that the agreement relates only to my plans. Writing to private friends anxious to know my plans the ambiguity was of little importance. Had the letter been read by all concerned with a view to signing it for publication such an ambiguity could scarcely have escaped notice, and would have been removed.

The governing factor in the case is that this was a private letter, written without any thought of publication, and must be read as a private letter. A man writing for publication is writing for an infinite variety of readers, many of whom may know nothing of the subject with which he deals. He must be careful to supply all the information necessary, without which his meaning will be liable to be misunderstood. With that purpose in view he must try to picture to himself and avoid every cause of misunderstanding or offence to which his words may give rise. If I had been writing with any thought of publication, I should have referred to the prefaces of my books or have quoted their contents. I should have weighed every statement and every word. Personally I never publish anything which has not been rewritten many times over. In a letter addressed to intimate friends to whom all the facts contained in my prefaces were familiar, there was no need to do this. If people were bound to write to each other with the same care that they write for publication life would be intolerable,

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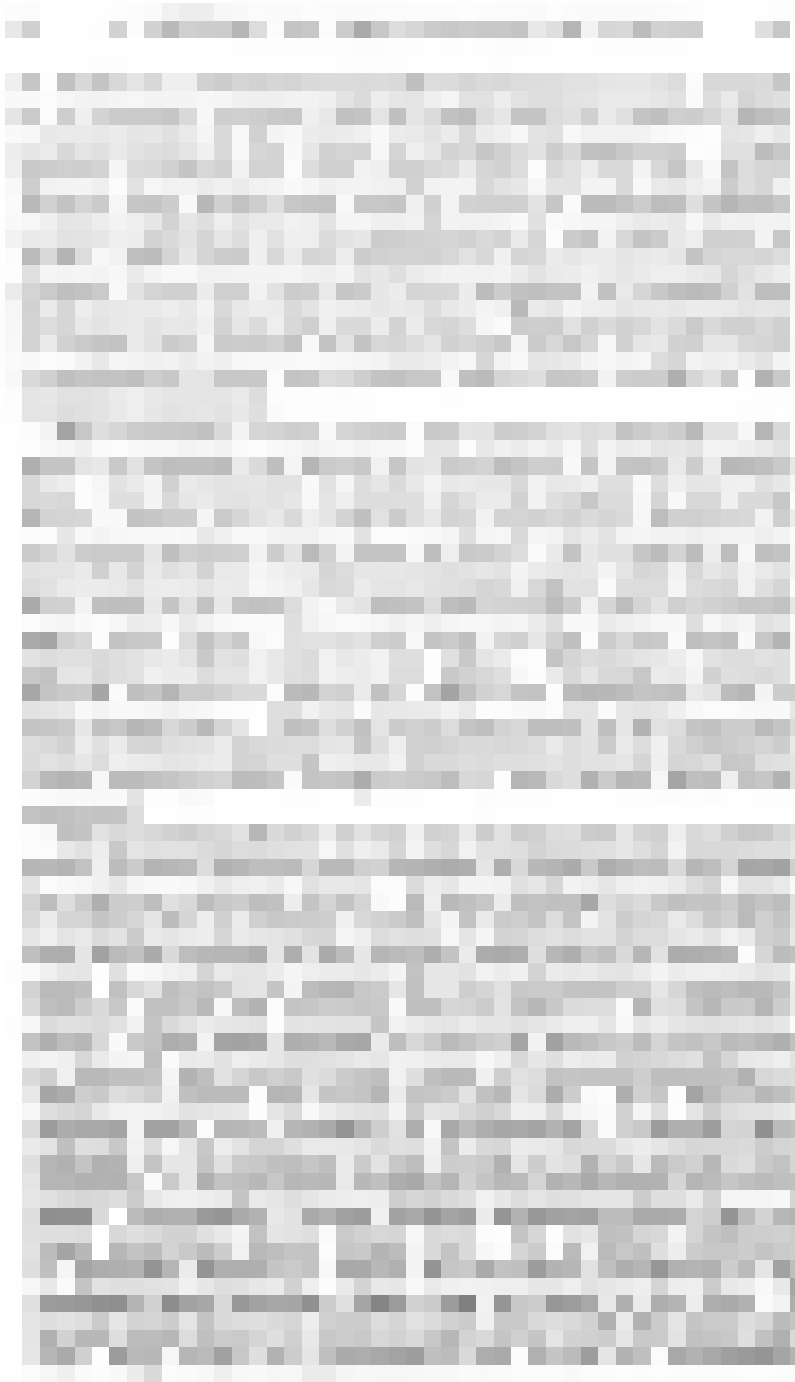

just as intolerable as if they were expected to converse in private with the same care that a man should use in a public speech. Criminal documents or conversations are not entitled to privilege. But conspiracy involves secrecy at least. There was no secrecy in my relations to the other gentlemen concerned. There was no secrecy in the organization or objects of the Round Table groups. The whole of the facts from first to last had been made public by those charged with conspiracy. I had no right to expect the public in India to know all these facts. But I was not writing for the Indian nor for any other public. If I had been I should have been most careful to recount the necessary facts. I was writing to private friends who knew them by heart. The points, however, which I wish to emphasize are those which do not appear on the face of the letter itself. They are two.

(1) When I wrote the letter on November 13 I had not discussed the current situation in India with Sir James Meston, I did not know his views and was not in a position to state them. As a matter of fact he did not read the proof.

(2) Through an inadvertence, for which I am solely responsible, Mr. Marris never saw the letter at all, until he knew that it was being made public a month later.

§ 13. I must here mention an incident which occurred after I had written this letter and before I left Allahabad. I was strongly advised by some European, as well as by Indian friends, to avoid staying with officials. While at Allahabad I received from an unknown hand a cutting from a newspaper, which ran as follows :

Stormy Petrels.—We are very sorry to see that Mr. Lionel Curtis is travelling with one of educated India's most deadly foes, Sir Valentine Chirol. It bodes ill for Mr. Curtis' attitude towards India, already none too favourable. They come from Simla to stay at Government House, Allahabad. Sir Valentine Chirol is ever a welcome guest of the highest officials, and his fatal influence distorts their view of India. That one of the leaders of the Round Table is seeing India under such auspices will greatly increase her difficulties in winning her place in the Empire.

The point deserves some attention because every other Englishman who comes to study Indian affairs and has numerous friends amongst the officials will find himself in the same predicament. My own solution was as follows : Sir James Meston had introduced me to the Hon. Dr. Tej Bahadur Sapru, member of the Viceroy's Council, the

just as intolerable as if they were expected to converse in private with the same care that a man should use in a public speech. Criminal documents or conversations are not entitled to privilege. But conspiracy involves secrecy at least. There was no secrecy in my relations to the other gentlemen concerned. There was no secrecy in the organization or objects of the Round Table groups. The whole of the facts from first to last had been made public by those charged with conspiracy. I had no right to expect the public in India to know all these facts. But I was not writing for the Indian nor for any other public. If I had been I should have been most careful to recount the necessary facts. I was writing to private friends who knew them by heart. The points, however, which I wish to emphasize are those which do not appear on the face of the letter itself. They are two.

(1) When I wrote the letter on November 13 I had not discussed the current situation in India with Sir James Meston, I did not know his views and was not in a position to state them. As a matter of fact he did not read the proof.

(2) Through an inadvertence, for which I am solely responsible, Mr. Marris never saw the letter at all, until he knew that it was being made public a month later.

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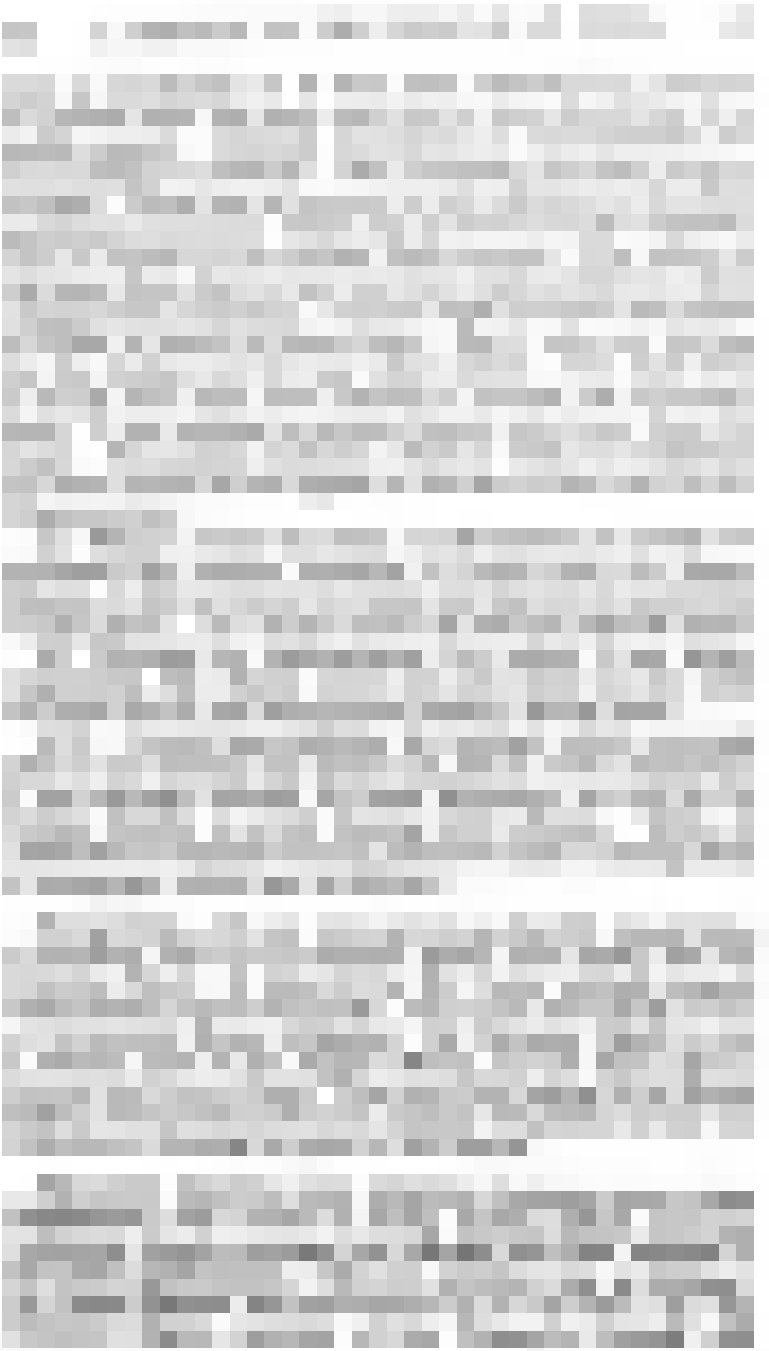
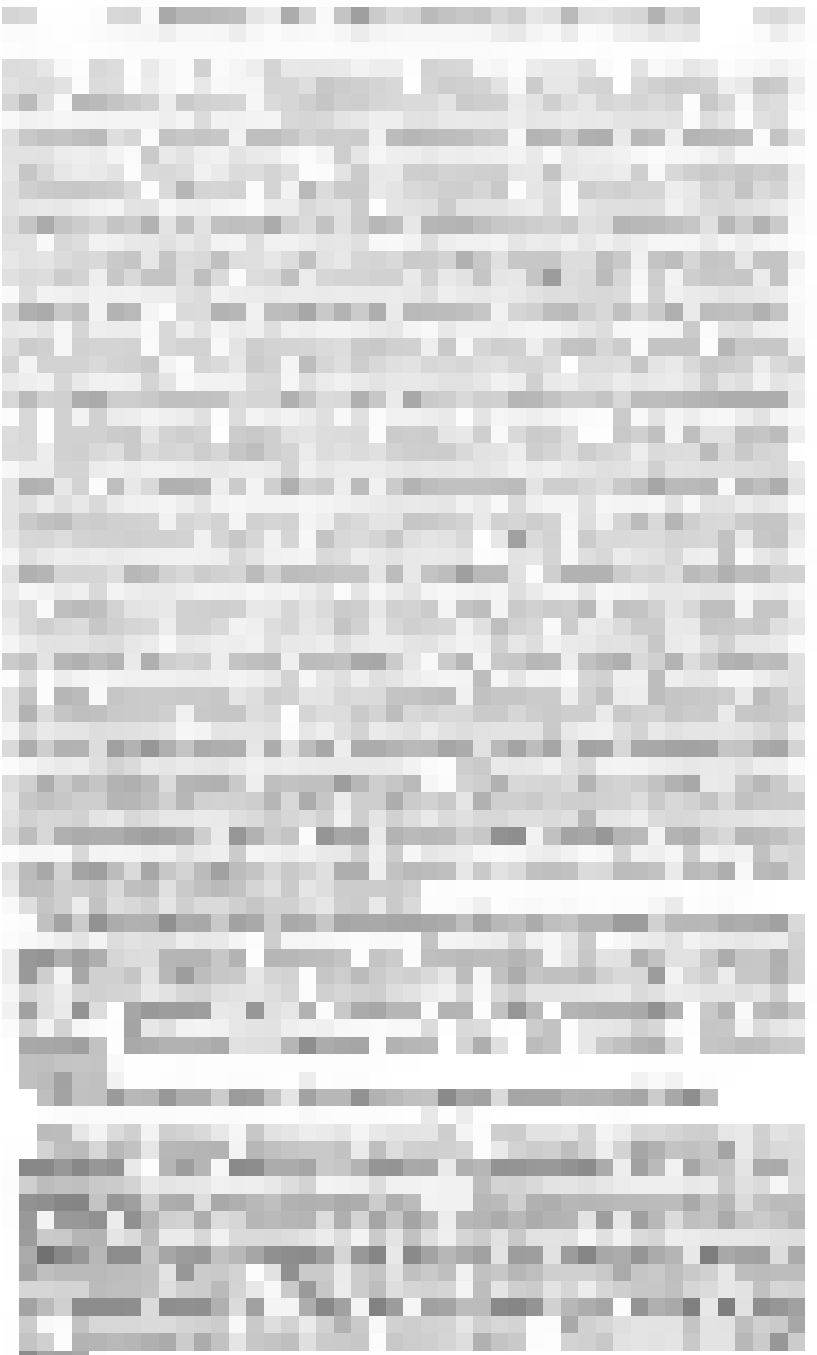


Hon. M. C. Y. Chintamani, Editor of the *Leader*, and Mr. Ishwar Saran, explained to them the reasons for my coming to India, and then withdrew, leaving me alone to listen to their views. The interview led to a courteous invitation, which I gladly accepted, to discuss matters further with a number of their friends at Dr. Sapru's house. To this gathering I read the cutting which had reached me in the meantime, and pointed to the difficulty in which it placed me. I had numerous friends, I said, in the service, and knew their various points of view pretty well before I came here. It was for that reason that, on the advice of Sir James Meston, I had come here to make the acquaintance of Indians and learn their point of view. Now in order to gain the friendship and confidence of Indian gentlemen, was I to make a show of suspending my relations with Englishmen who were my friends before I reached India and would be when I had left it? That was scarcely the way to earn the friendship of Indians. Rather I preferred to make it known to them who my friends and what my connexions were, and then leave them to judge whether to admit me to their intimacy. So I told them the history of my connexion with Sir James Meston, Mr. Marris, and Sir Valentine Chirol. I told them also that I had been head of the department in the Transvaal which was charged with controlling Asiatic immigration. That is the course I have always followed until the publicity forced upon me rendered it unnecessary, and I have found that Indians, like every one else, are readier to talk freely to a man, when they find that he has nothing to conceal.

On November 24 I left Allahabad for the Central Provinces, reached Calcutta thence on December 16, and rejoined Sir James Meston at Lucknow on December 24, in order to be present as a visitor at the meetings of the Indian National Congress and the All Indian Moslem League.

On December 25 a Lucknow paper announced that

> **The anti-Indian forces are at work. They are organizing their campaign. The ROUND TABLE propagandists are very busy indeed and they have influence too. . . . Our countrymen should bear in mind that the enemies of Indian aspirations of the Curtis and Chirol kind mean business, and they are the respectable guests at Government House. They may have access to information which we cannot dream of. They are very astute men hiding as they do, sharping [*sic*] claws with velvet paws. Great is the danger ahead.**



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This was followed by another article on the 26th headed

BEWARE OF THE ROUND TABLE. BEWARE OF CURTIS.

in which it was said :

The heroes of the Round Table are prepared to have their way. They are sowing the seeds of wild mischief. They are prepared to effect the changes at whatever cost. We will protest with all our strength and vigour against the over-lordship of the Colonies over us. But we shall not, even at the worst provocation, budge an inch from the straight road of strict constitutional agitation. Ahinsa Paramo Dharma,[1] say our shastras. We shall not resort to, nor shall we tolerate violence. We shall not do anything which might hurt even the offending man.

On the 27th I received information which gave me the first clue to this language. Some Indian friends informed me that a report was being spread like wild-fire amongst the crowds assembled for the Congress that I had advocated the subjection of India to the Colonies at the cost of bloodshed, and that I had classed Indians with Negroes. Meantime, the letter had been privately printed under a headline calculated to bias the reader in advance. On seeing this letter itself, my friends had found that it was in fact an argument against a policy which might, I feared, lead to bloodshed, and against the treatment of India in Imperial affairs on the same basis as Central Africa. My friends believed that the letter was about to be published in the *Bombay Chronicle*, and presently I received a telegram confirming this news.

§ 14. On telling Sir James Meston and Mr. Marris what had happened I learned for the first time that I had failed to show Mr. Marris the draft. I then wrote the following letter, which together with my letter to Mr. Kerr was immediately circulated to the leading papers throughout India :

GOVERNMENT HOUSE,
LUCKNOW :
The 28th December 1916.

SIR,

Yesterday I learned that a private letter of mine had been surreptitiously obtained (I do not know how or by whom) multiplied and distributed amongst a large number of people here. I now see from the public telegrams that it has been published in whole or in part in the *Bombay Chronicle*. The matter was brought to my notice by Indian gentlemen attending the Congress meeting who had no hesitation in expressing their disapproval of such conduct. They

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An account of the objects and methods of the Round Table is given in the prefaces to the two books recently published over my name. It is an association of men working in groups in the various parts of the Commonwealth engaged in studying imperial problems for their own political guidance. As General Secretary I have been engaged in collecting and publishing materials for such study. The attached letter is an attempt to give the Secretary of the London Group, my impression, formed after spending a few weeks in India, of the character, magnitude, and delicacy of the work to be done here.

With regard to the three friends whose names are mentioned in my letter, a word must be added. My earlier studies of public affairs were concerned with conditions in England and South Africa, countries with which I was familiar; and the possibility that self-government was not an institution appropriate only to European communities did not occupy my thoughts. It was in discussion with the friends named that I was first persuaded that self-government was the aim to which British policy in India must be directed. They showed me that any complete study of imperial problems must include India: and I am here now in deference to their strong advice to come and study Indian opinion on the spot. I naturally consulted them in arranging my tour in India.

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Yours faithfully,

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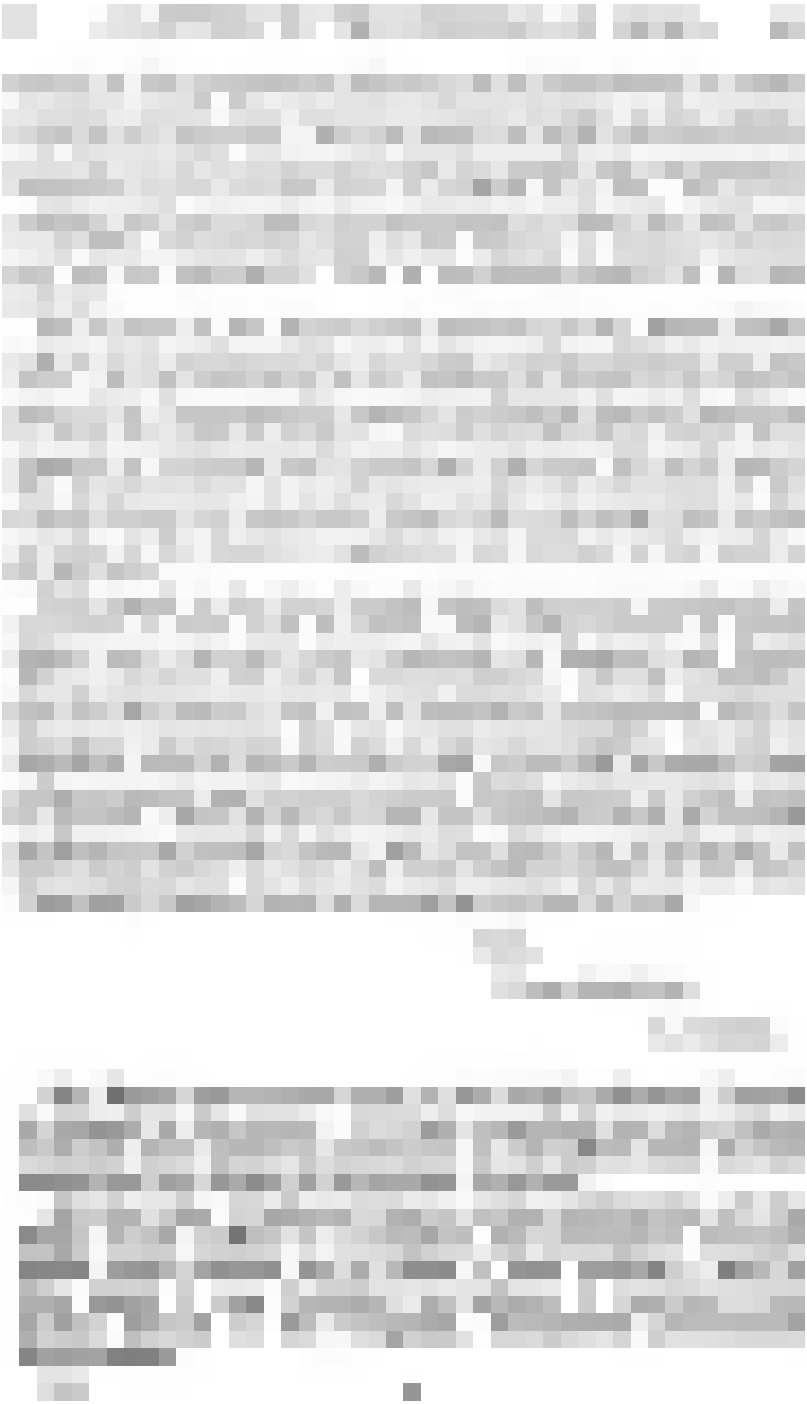

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Let me quote from one of those letters :

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It has startled me to find that the passage in your letter where yo speak of bloodshed, if India is to be treated in her external affair as Africa, should be capable of misconstruction by any man of educa tion. I am afraid attempts will be made to spread this miscon struction in the Congress camp and that the younger and les thoughtful members will be misled by it, but I trust that this will no in any way deter you from carrying out the object which has brough you to India, and specially that part of it which aims at ascertainin the opinions of various classes of people.

In justice to the Indian National Congress and All Indi Muslim League, amongst whose members I have man personal friends, I am bound to add that the circulatio of my letter at their gatherings was not the work of thos responsible public bodies. To prove this statement let m quote from a letter written to me by one of their recognize leaders :

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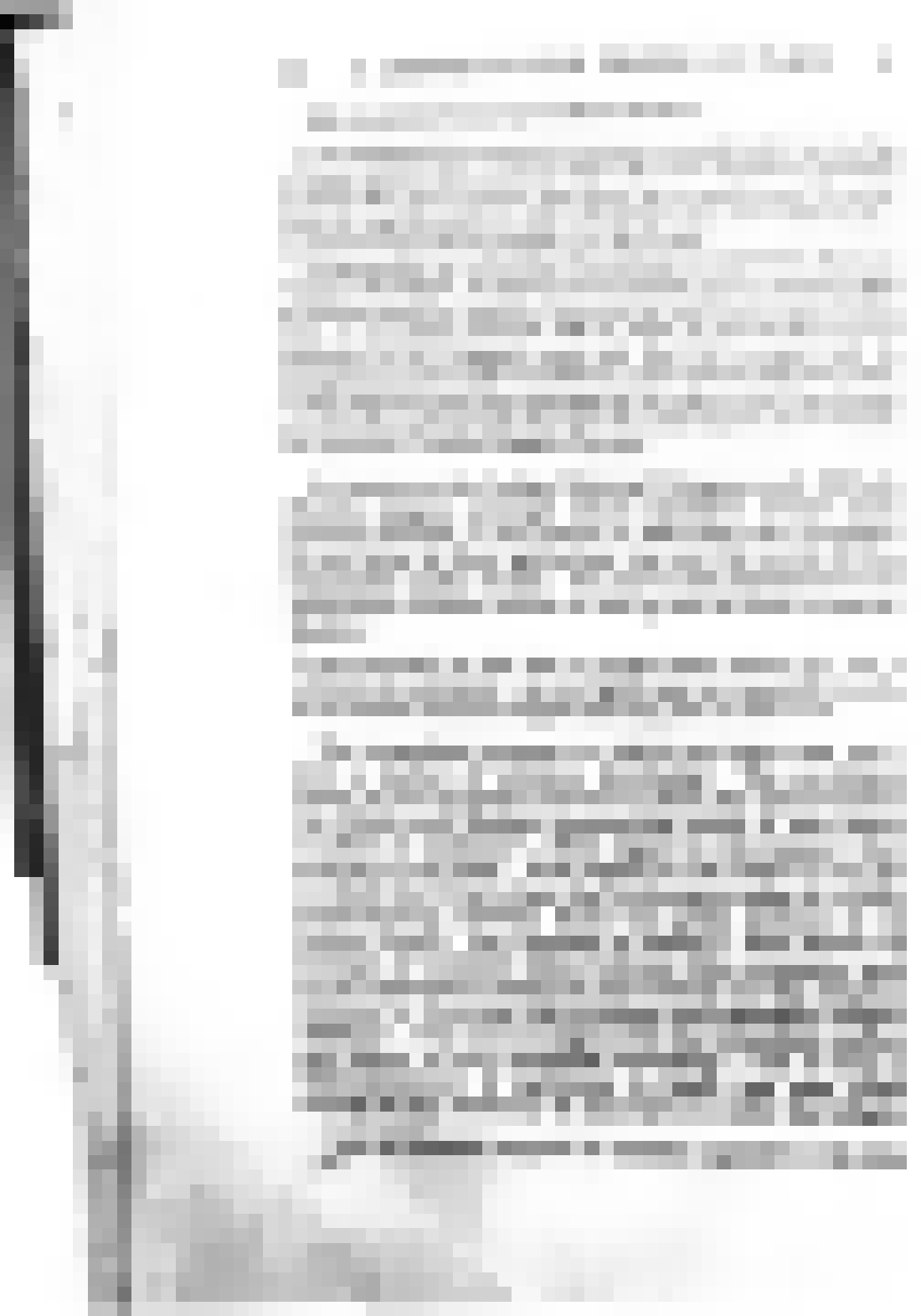

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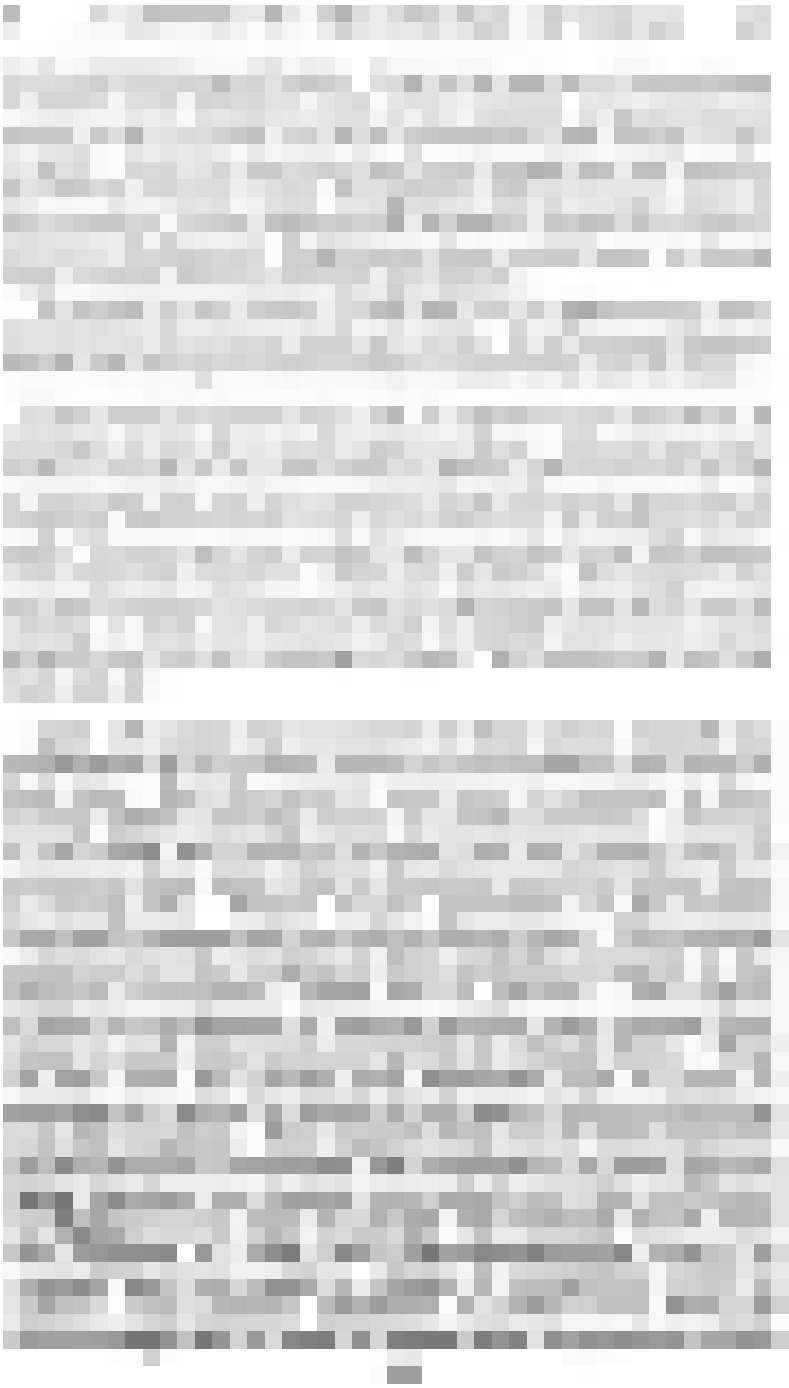
To return to my letter, I will ask you to glance at a note received by the overseas mail as I write. It is from an English friend who has just heard of this controversy and he says :

> I have read the letter twice and it appears to me that there is nothing in it that all the world might not know. After all you don't want to conceal the fact that Meston, Marris, and Chirol are friends of yours and that you have consulted them fully as to your plan of campaign, which seemed to me an excellent one for finding out the truth. In any case you couldn't have concealed your friendships even if you had wanted to which you wouldn't. The longer I live the more convinced I become that the only sound plan is to conceal nothing. I think you did quite right to publish your letter, and it seems to me you have nothing to regret. No honest man can find fault with it.

§ 15. If a man has no secrets to keep about himself the publication of his private letters or conversation will seldom hurt him. But the point I want you to consider is this. It may inflict a lasting injury on public interests. Secrecy is one thing and privacy another, and the respect due to privacy is even more vital to freedom in public affairs than in family life. Glance at the procedure of the Indian National Congress and you will see this at once. The business submitted to the Congress is first carefully prepared in the Subjects Committee, which sits in private. The reason is that the spokesmen of various sections may express their views to each other and yet be free to change them. They do this with the proper and legitimate end in view of arriving at a policy to which all can agree before submitting it to the Congress. Now suppose that one of these speeches in the Subjects Committee was overheard, or some private letter between two leaders was seized and then published in England to be read by people who scarcely know what the Congress is, what vast misunderstandings might be created, and how easily a charge of conspiracy could be raised! One private utterance or letter torn from its surroundings can be used to create false impressions which



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inflict grave injury on the public at large, not merely in India but in England as well. For are we not all members of one body?

The privacy observed by the Round Table groups in their studies is based upon reasons somewhat different, but equally good. The object of the system is that men may think out their views (each for himself) before they declare and act upon them. In order to do that they must be able to write down their opinions for discussion with each other. I do this myself, and submit my views to my colleagues for the very reason that I am not sure of those views. The moment that I have a body of views of which I am sure, I publish them with the facts and the reasons upon which they are based. Clearly it is a greater evil to the public than to myself if private papers containing views of which I am not yet certain are seized upon and published, not merely as my views, but as those of the whole organization. Privacy is essential to political study until the results of the study are complete. When the student has published those results he is entitled to be judged by what he has published and by nothing else. It is not, however, a question of private rights. To deny this privacy to students of public affairs is to stifle the breath of freedom itself—to undermine the foundations upon which alone real liberty can be raised.

I will ask you to consider one special difficulty with which such work as mine is attended in India. To begin with the language in which Englishmen and educated Indians exchange their ideas is to Indians a foreign tongue. I think that both should keep this fact in mind more carefully than they do. An Indian gentleman of great ability, with whom I conversed freely in English, courteously pointed to certain passages in my books which had filled him with indignation. I had no difficulty in showing him that he had read these passages to mean the exact opposite of that which they actually meant. He had missed points of syntax vital to the sense, just as I myself miss them when I read French. But when such impressions get firmly fixed in the minds of a number of young men, whose knowledge of English is no better perhaps than mine of French, they are very difficult to correct. Only the other day I heard from a friend, of a young Indian who insisted that in my letter I had urged the subjection of India to the Colonies at the cost of bloodshed. My friend referred him to my letter, but having re-read it he declined to change his opinion. I believe his case is that of a vast number of young Indians. It is

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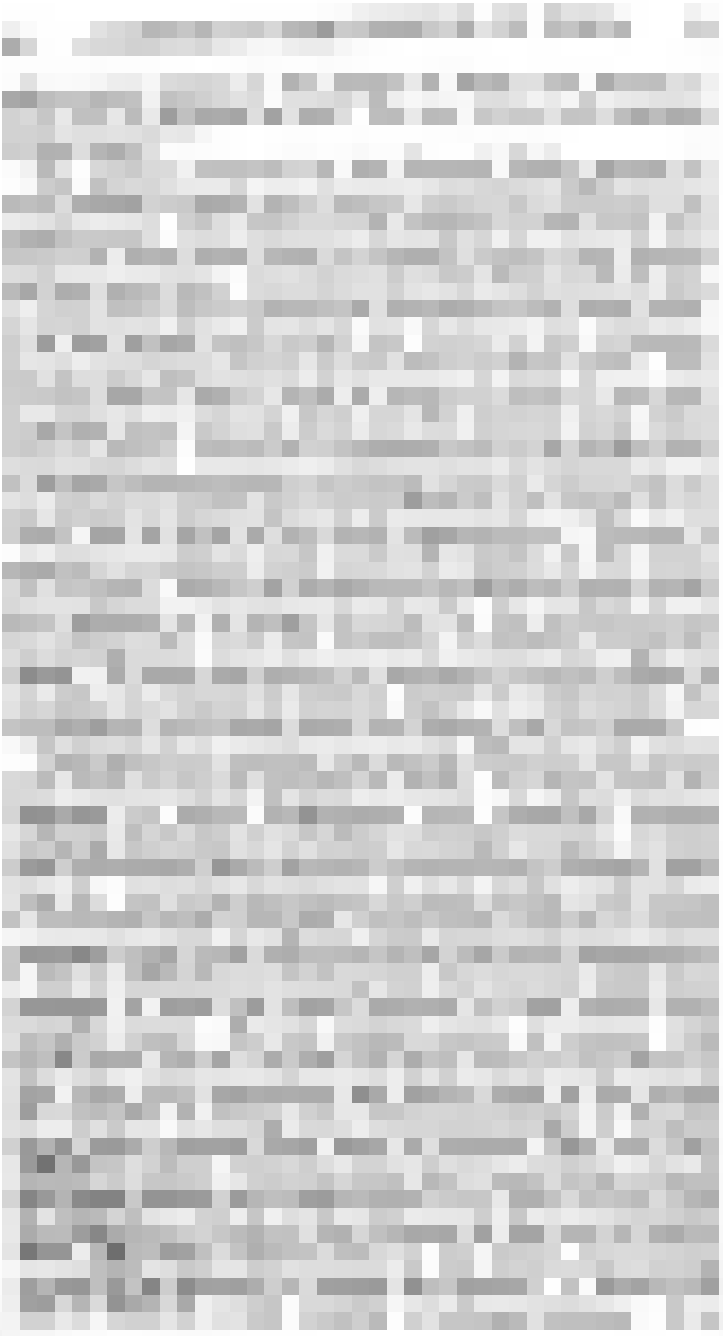

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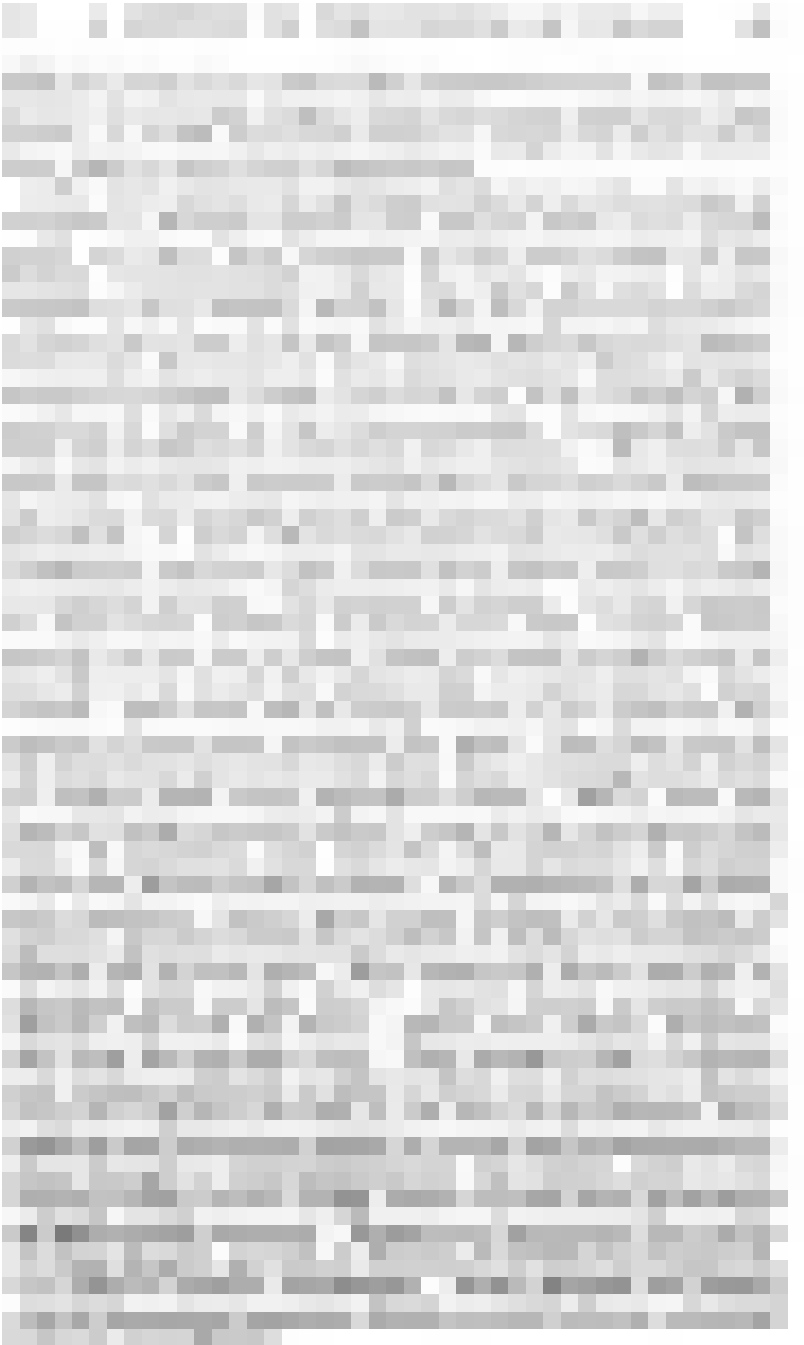
§ 16. As I said at the opening of this letter, the charge of conspiracy brought against the *Round Table* and myself could not have been brought in the other parts of the British Commonwealth where the facts set out in this narrative were already known. For the general ignorance of these facts here I do not think that any one is to blame. If for the last four or five years Round Table groups, scattered through India, had been at work studying the position of India in the Commonwealth, I scarcely think that this indictment could have been drawn. The methods and objects of the system would have been too well known. As it was, but a single group had come into being, and that but lately. I have often been asked both in England, the Dominions, and here, why I had never before come to India to organize groups. The answer is simple. In this inquiry we have been working to keep pace with events which moved too fast for us, and I have not had enough years in my life to be in all the places that I could wish to have visited. This task, like so many others, is too great for the powers of any man, certainly for mine. Men can only do the best they can in the time they have, trusting each other to forgive their most imperfect results. But I had not been in India a month before I came to the conclusion that here, if anywhere, was need for the methods of inquiry which the *Round Table* provides. At Allahabad, at Calcutta, and elsewhere, I saw a great many Indians of all shades of opinion, and discussed the position of India in the Empire. Nearly all of them said 'Why cannot all these matters be discussed with us like this?' And I found a number of officials who felt the same. There were others, however, who took the opposite view. They thought that, if officials and Indians gathered socially in their own houses to discuss even the relations of India to the rest of the Empire, their opinions and intentions might be quoted and misrepresented, even though no misrepresentation was meant, and on becoming widely known might result in some such excitement as has actually occurred. Experience has proved the reality of these dangers, and yet, in the face of all that has happened, my opinion remains unchanged. Those dangers are largely due to the mutual suspicion which prevails between educated Indians and officials.



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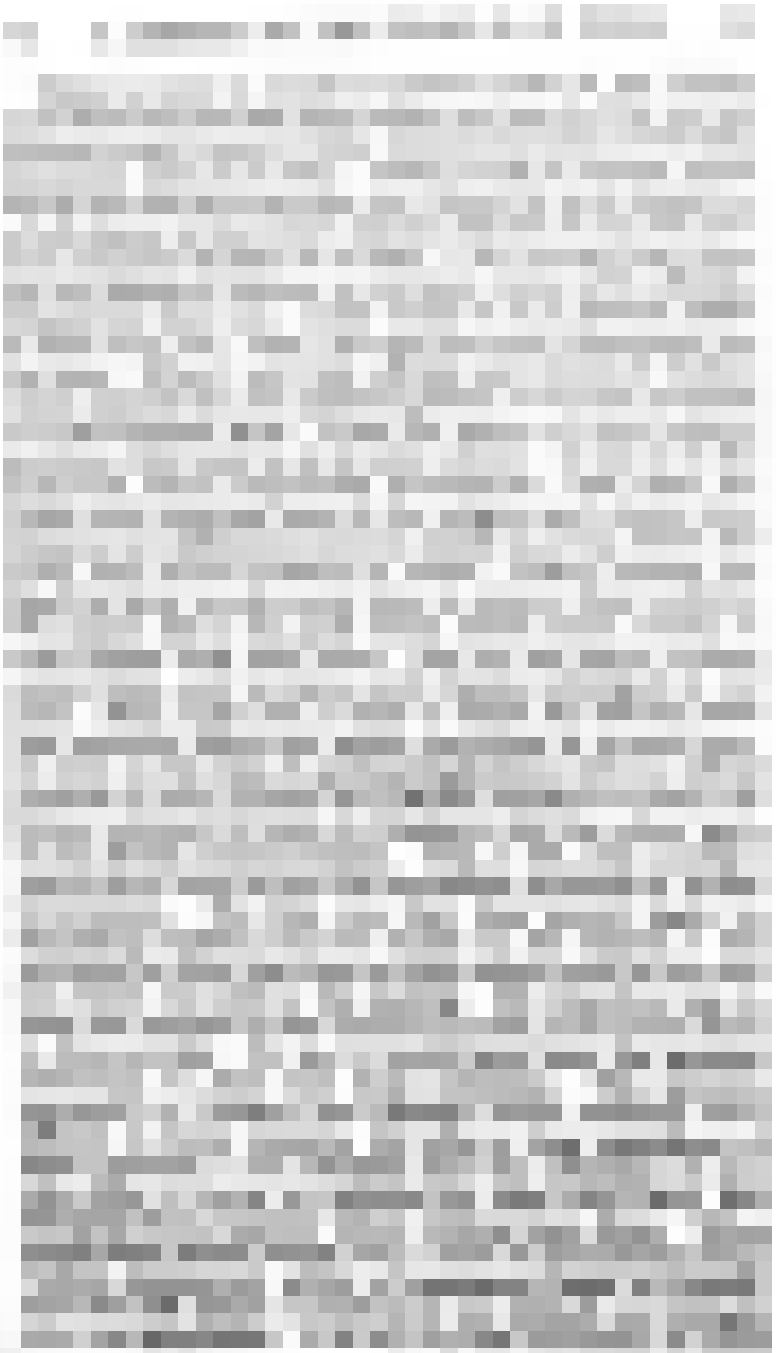
There is more in common between some of my Indian and official friends than they realize, and much of the mutual distrust would vanish if they formed the habit of friendly discussion with each other. India is full of chasms which divide one class from another, but I think the most dangerous of all chasms is that which divides officials of my own race from educated Indians as a class. I do not say that there are no educated Indians on intimate terms with officials. Thank God there are. India would be in a parlous plight if there were not. But I do say that such friendships are too rare. When I add that officials and educated Indians stand opposed like two political parties, I am only pointing to acknowledged facts. From the nature of their relative positions, this must be so to some extent. It was so in the Transvaal before responsible government. But there the Dutch and ourselves were of one religion and closely akin. Deep as our differences were we mixed in a way which has never been found possible in India. Where chasms are fixed by facts we can never hope to remove them entirely. We cannot fill in the gulfs which divide races, creeds, or even classes from each other. But we can throw bridges across them, and we leave such chasms unbridged at our peril. Here I felt was a work to which the *Round Table* was naturally fitted and might contribute in a small way. So I hit on the idea of getting Englishmen with no official position to bring Indians and officials together to study the future relations of India to England, and the other parts of the British Commonwealth. This, I felt, was a subject which lies a little beyond the immediate problems of Indian Government. The idea was that they should begin by discussing together the two books on the subject I had published in order that later on they might work on the next one which was still in the making. My intention was to draft the chapters of the volume on India, and submit them to these groups. To me it would have been the greatest advantage to have had their criticisms. The opinions expressed by Indians and officials would certainly have differed in many respects, but after a long experience of these methods, I am satisfied that the criticisms of men who differ is never so valuable as when they have first discussed them together before writing them down. When people have talked things over, a host of misunderstandings vanish, unexpected points of agreement begin to appear, and the real points of difference are defined and brought into true proportion. It is only by this concussion of minds



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which differ that the grain of opinion can be winnowed from the chaff.

And a more important change is also produced when the real matter in dispute has been sifted out; for men find that they have learned to bear with each other's opinions in the process. There is no reason why an honest difference of opinion should anger men with each other, and yet we are always doing that unreasonable thing. My best friend once told me that I am most intolerant of people who differ from my opinions. He was never so much my friend as when he told me this home truth, and, if you think of it, this habit of getting angry with people because they differ is one of the greatest bars to self-government there is. Self-government depends so much on our power of discussing things calmly together, of understanding points of view from which we differ, and also in believing that they are held as honestly as our own. I sometimes feel that a society entirely composed of people like me might not be able to govern itself. I have always found, however, that the members of the Round Table groups tend to become more tolerant of each other's opinions. They are brought together because they differ, and in discussing their differences they come to understand and think better of each other. It is good to think that most of the ill will in the world is due to our knowing each other so little.

And so I quietly proceeded with this scheme for founding a few Round Table groups, undeterred by the demands made in some of the papers that Government should forbid its servants to have anything to do with such bodies. In Bombay, Calcutta, Madras, and elsewhere, independent Englishmen were found to undertake the work. They agreed to collect Indians and officials in their own homes to study this problem, the greatest problem I venture to say which has ever confronted men, the question how races as different as the world contains, are to live together and manage their own affairs in a Commonwealth which includes more than a quarter of the human race. The vision of Indians included in this fellowship of students united by nothing but a common resolve to discover and discharge their duty as citizens, each for himself, was actually in sight. Then suddenly the agitation achieved its end and the vision failed.

In happier times when men look back on these events and think them over with calmer minds, I wonder what they will say. I wonder whether they will think that India was

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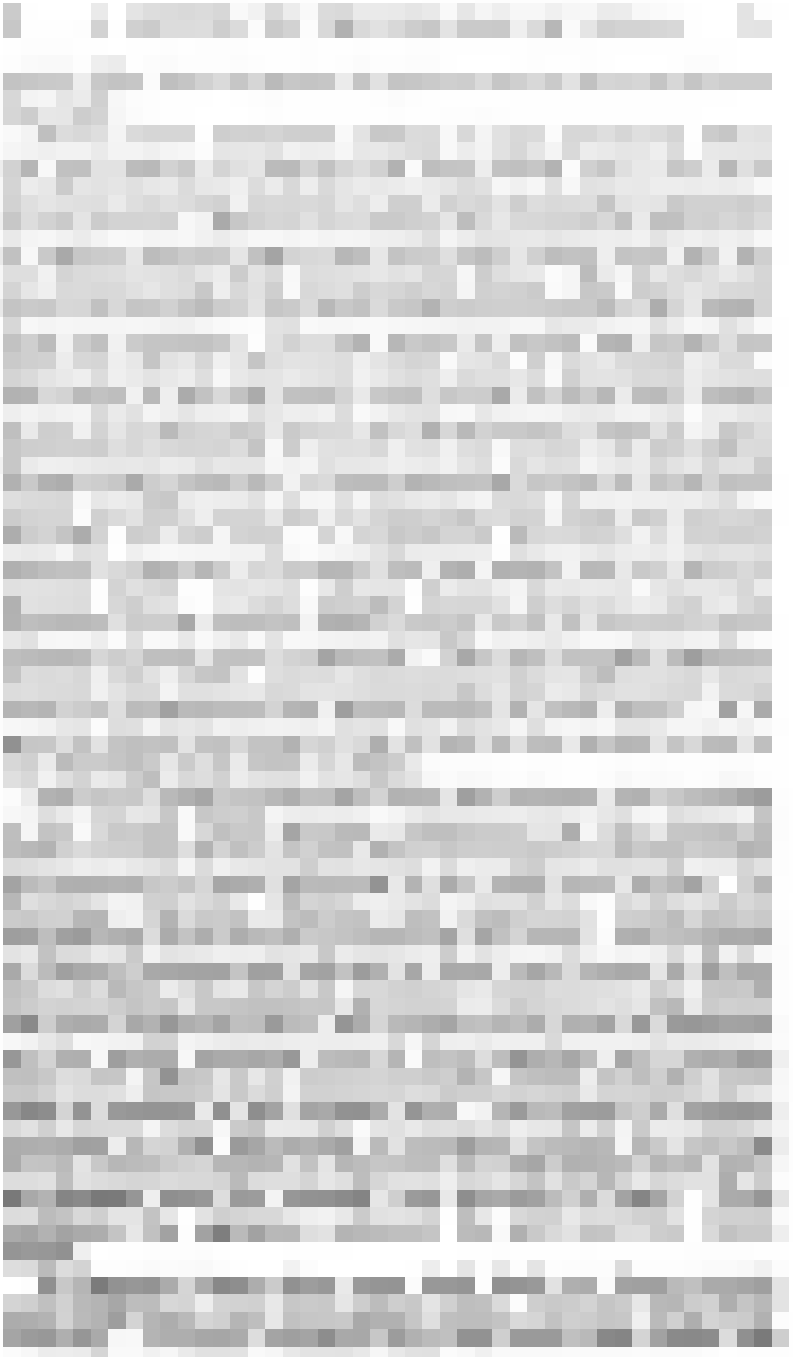

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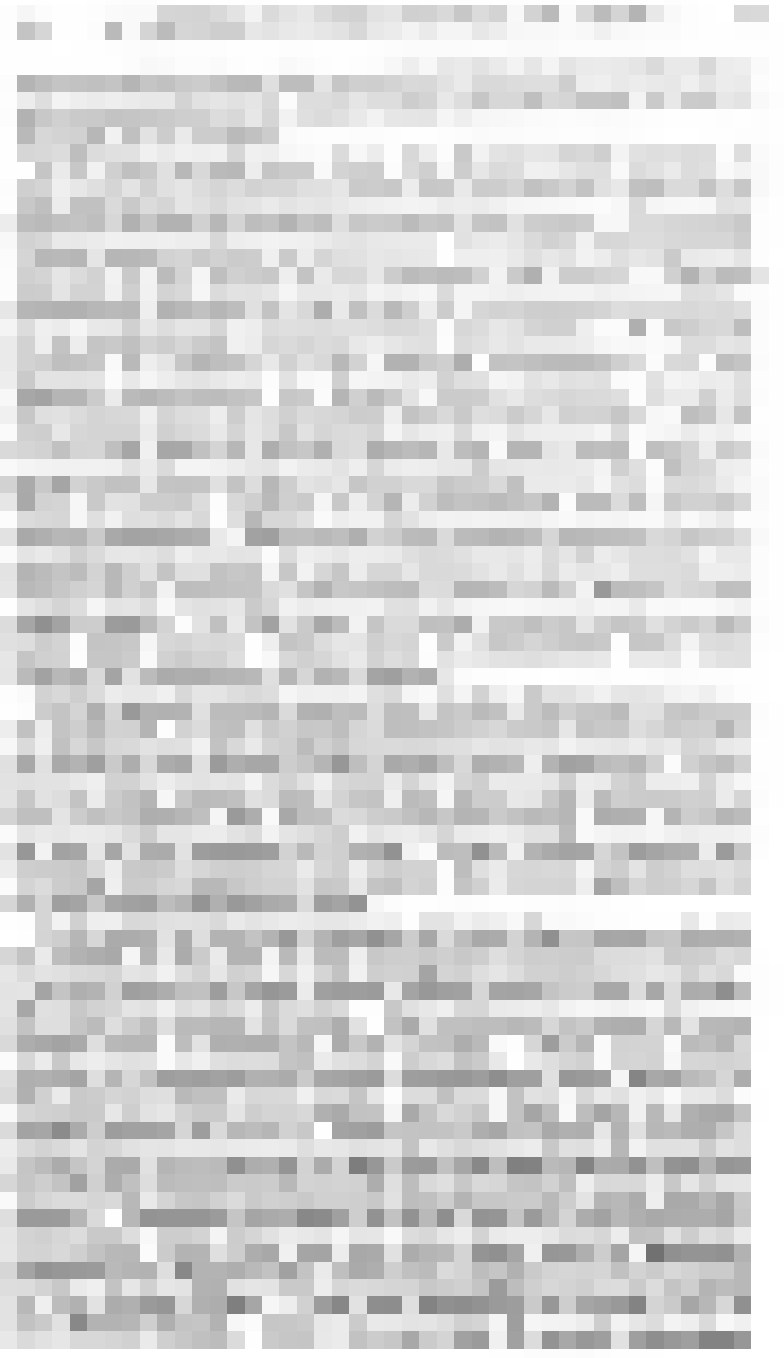
In the speech which opened the Indian National Congress at Lucknow, I was naturally pleased to hear some remarks on India in the *Round Table* quoted with approval. Now, for no other reason than that my letter was addressed to him, the Editor, Mr. Kerr, is attacked along with myself, as one of the enemies of India. Some Indian papers are viewing with suspicion and alarm his recent appointment to the Prime Minister's Staff.

Is it really in the true interests of India that names should be added to the list of her recognized enemies so freely? I do not know the man within whose power it lies to make Mr. Kerr an enemy of India. He is known to some of your leaders and I challenge their verdict. Must you really decline to recognize as friends Englishmen who believe in the goal to which you aspire, and do their best to make others believe in it too? Must you treat them as enemies, unless they are prepared to say that the goal can be reached in just the manner and at just the pace which your leaders desire? Consider the effect on those who do not appreciate your aims, when they see one who does, who is, perhaps, regarded as dangerously advanced, singled out for attack by the Indian Press. I am not thinking of myself, nor of my official friends. But I do say that if people elsewhere



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But the mischief does not end there. Suspicions like these choke the channels by which the aspirations of India can be made to be understood elsewhere. Let me quote from a letter written by Mr. Kerr to one of his correspondents here, a copy of which he sent to me for my information and which I have authority to use.

I think we ought to have another article on India this winter, or at any rate not later than the Spring. From the outside point of view, what matters is giving people here and in the Dominions some idea of the effect of the War on Indian life and opinion. But there is one important point which I should like to see you make with all the force at your command, and that is the imperative necessity that people in Great Britain and the Dominions should realize that India is going to put forward, and rightly put forward, two demands after the War, and that they must give earnest and sympathetic consideration to these demands without delay. I don't think you need go into detail about the nature of the demands unless you feel inclined to do so. I think it will be sufficient to say that the first is for a further step towards self government in India, and the second that the interests and views of India should be represented directly when the future of the Empire and its policy is under consideration.

I think the greatest danger in the future is that the Indian demands will be pushed on one side on the ground that it is impossible to take them into consideration for some years owing to the pressure of business connected with the liquidation of the War in Europe. If we are to avoid the danger from delay of this kind it is very important, I think, that the *Round Table*, which has very greatly increased its influence since the War began, should make thinking men realize that whatever they may think about the proper answer to make to the Indian demand, they must be prepared to make some answer, and to make it without delay, without, that is, subordinating India's claim to time and attention to those of this country.

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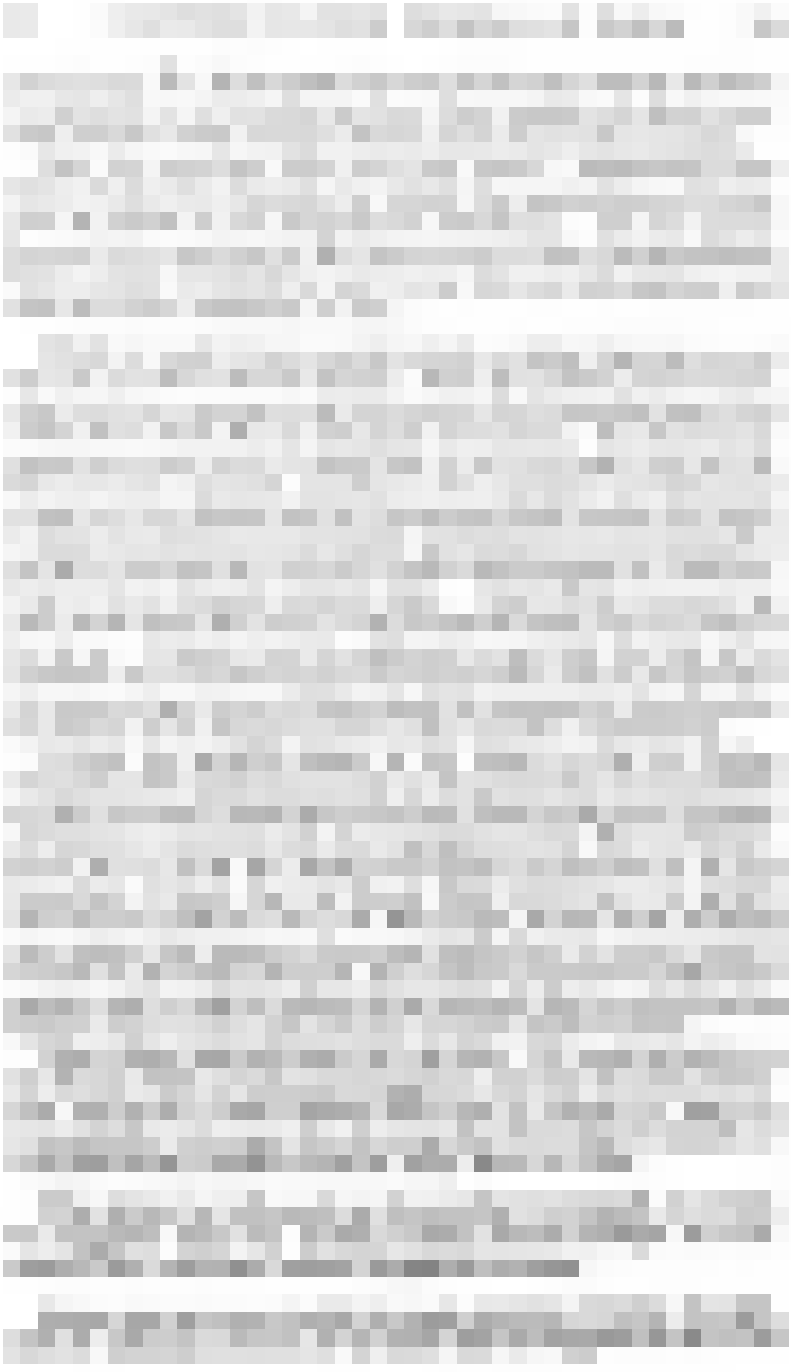

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These are the real views of a man against whom a warning has since been issued in the Indian Press as being implicated in a widespread conspiracy to frustrate the hopes of educated Indians.

With the views expressed in these letters from Mr. Kerr I entirely agree. It was partly with that object in view that I set to work to establish Round Table groups including Indians and officials in the various provincial centres. I was trying to arrange that in future articles written in India should be submitted to Indians and officials, and revised in the light of their criticisms before being sent to England. This system, strictly analogous to that which exists in England and the Dominions, has now been frustrated. The pages of the *Round Table* itself are now being ransacked for extracts to support the charge of hostility against India. Expressions of sympathy are used as a proof of treachery. The charge of 'velvet paws hiding sharping claws' has resounded through the Press. The mere name of the *Round Table* has become the most powerful weapon for raising distrust. This would not be possible if the *Round Table* were judged on its merits and judged as a whole. The difficulty is that for every man who reads these productions in India thousands read what is said of them in the Press. The same is true of my own books and the same will be true of this letter.

A large quarterly like the *Round Table* is not intended so much for the average reader, as for those who write for average readers. It is meant to be a storehouse of information of all kinds upon which publicists can draw. Its articles must be taken on their merits and as representing nothing beyond the minds and information of the individual writer of each. The Editor himself is solely responsible for whatever he writes. The *Review* has published an article on Ireland, written by an avowed Nationalist. It habitually prints articles written by men who voice the views of labour and also of capital. If publicists search its back numbers they can prove by judicious extracts almost anything they like. But let any one read its numbers from first to last and then

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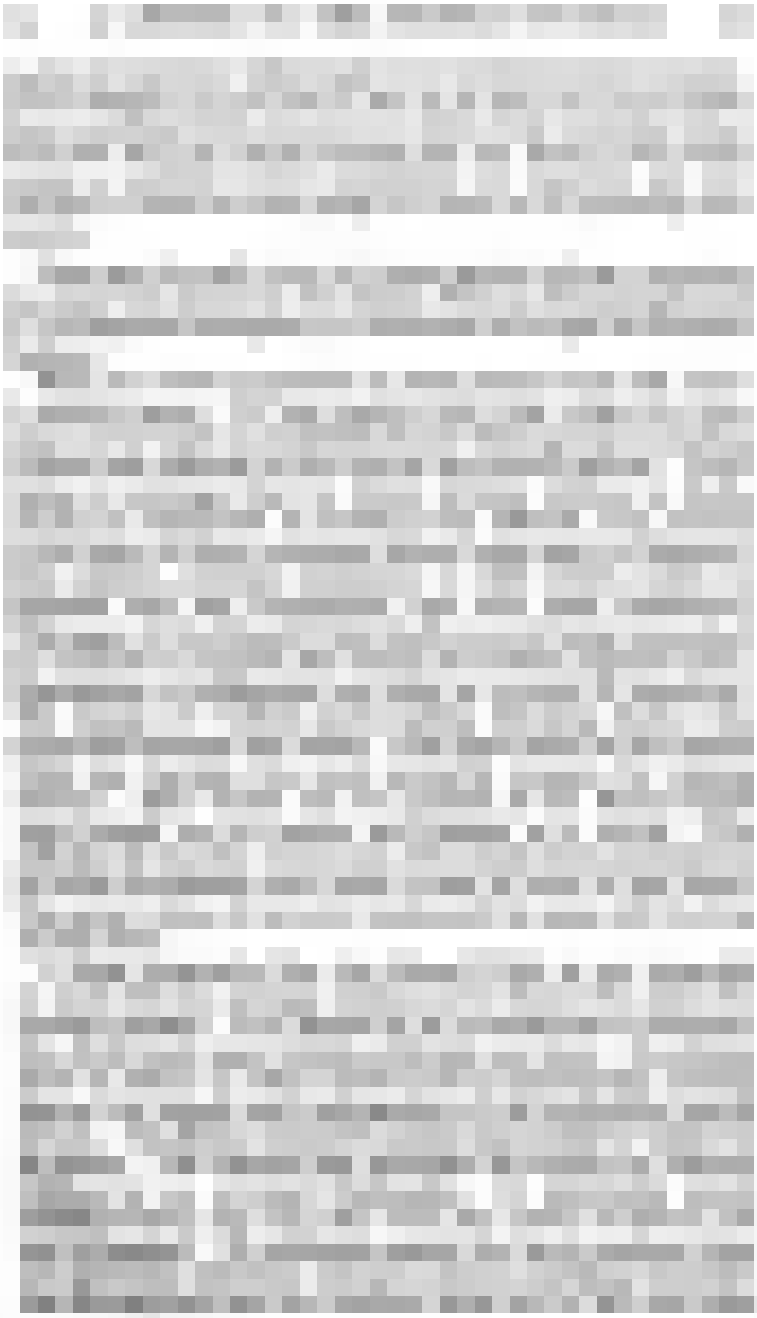

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As it is I have had to advise the Editor that so great is the mistrust with which the *Round Table* is viewed that, for the present, the only service it can render to India is to remain silent with regard to its affairs. This legend of conspiracy has been rooted so firmly in the minds of thousands who never see the *Round Table* itself that such articles as Mr. Kerr desired would be quoted as evidence of some sinister motive. I am sure that any one who has seen how freely the charge of treachery has been brought since Congress week would feel that silence is the only public-spirited course, until time and a fuller knowledge of facts has cleared those dark suspicions away. And that is why I am now doing my best to give you the facts.

But the matter goes deeper than the *Round Table*, so I ask you to bear with me while I deal with it further. There were always Englishmen of the first rank, and of great authority with their fellow countrymen, ready to voice the South African claim for self-government. Now why is it that, since the days of Bright and Bradlaugh, no one who carried real weight with the British public has been found to voice the aspirations of India? It is a real evil and a real danger. It ought to be remedied and I trust that it will. I hope and believe you will find an increasing number of Englishmen of the first rank who think you are right in seeking to attain self-government as soon as possible.

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As it is I have had to advise the Editor that so great is the mistrust with which the *Round Table* is viewed that, for the present, the only service it can render to India is to remain silent with regard to its affairs. This legend of conspiracy has been rooted so firmly in the minds of thousands who never see the *Round Table* itself that such articles as Mr. Kerr desired would be quoted as evidence of some sinister motive. I am sure that any one who has seen how freely the charge of treachery has been brought since Congress week would feel that silence is the only public-spirited course, until time and a fuller knowledge of facts has cleared those dark suspicions away. And that is why I am now doing my best to give you the facts.

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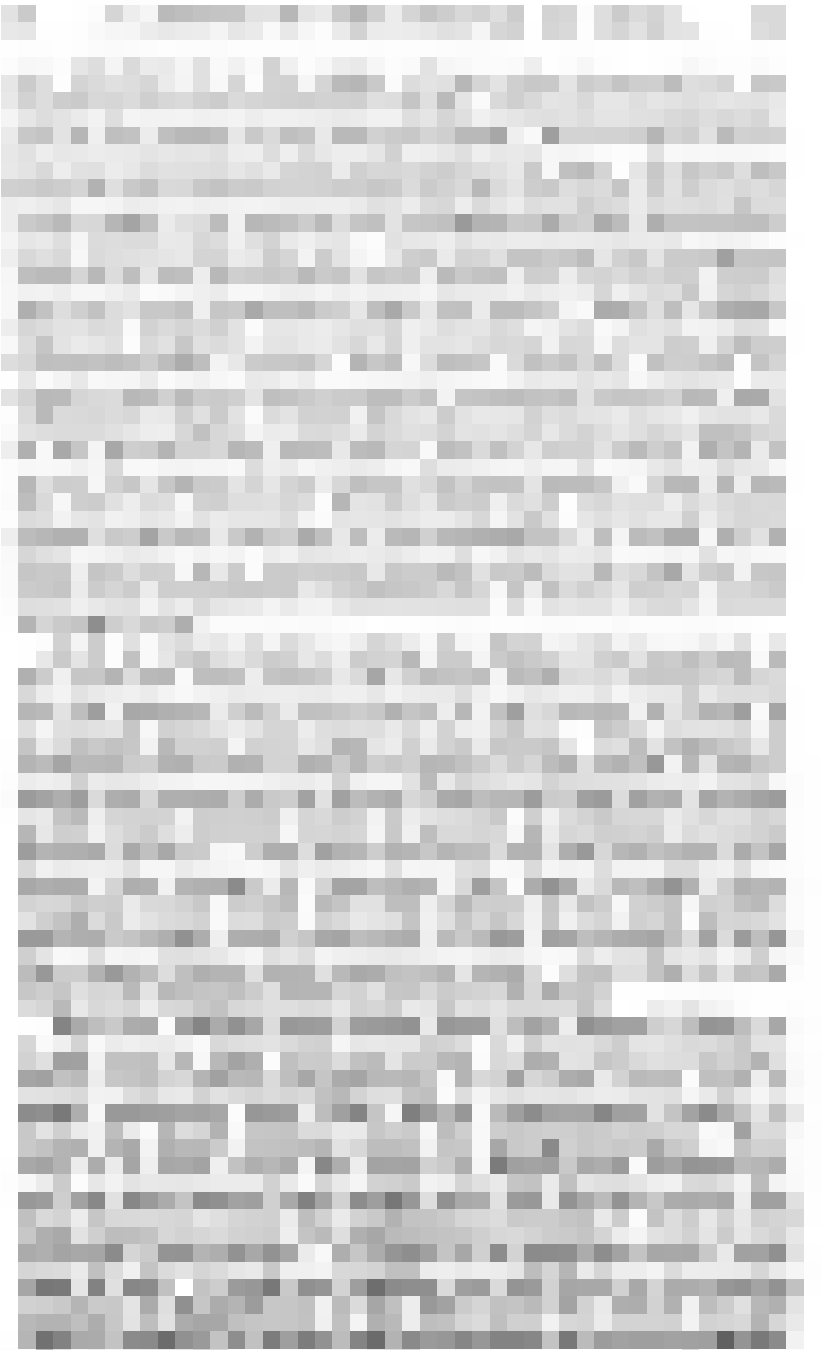
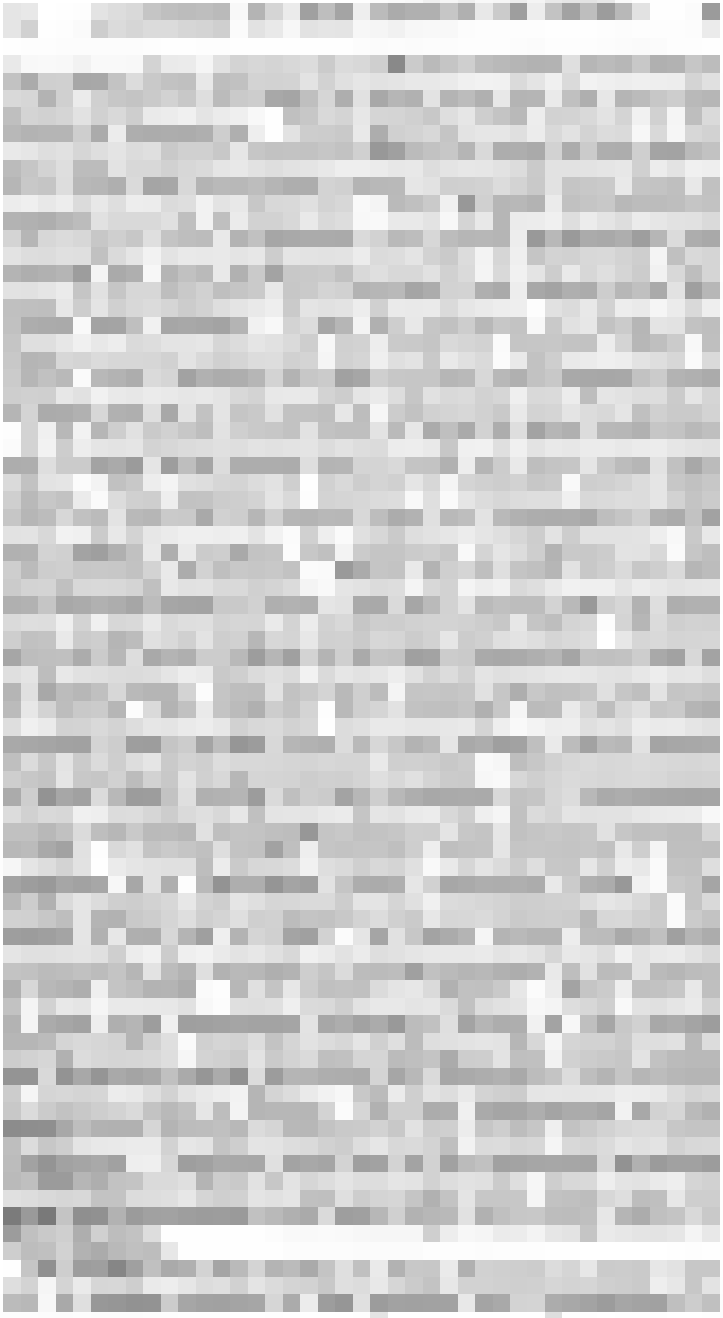


But those whose opinion has sufficient weight with British public opinion to be useful to your cause are the men who think for themselves. While agreeing with you as to the end, they are almost certain to differ as to some of the means. Your cause has everything to gain if you will leave them to support it so far as they can. Your English sympathizers who support your programme, your whole programme and nothing but your programme, are felt to have lost their sense of discrimination and, therefore, lose weight with the public they address. I ask for tolerance to those who believe in your aims and are ready to support them in public, while claiming the right to hold and express views of their own as to the roads by which they can be reached.

§ 18. For myself, I have come to India to learn, and every day I regret more deeply that I could not have come here before. The question I started to examine some eight years ago was the one forced upon my immediate friends and myself by events, the relations of England to the self-governing Dominions. Blame me as much as you like for this narrowness of view ; and yet I would urge, we have more to gain by trying to understand each other. My first step was to study opinion in the other Dominions as well as in South Africa. Now the factor which impressed me most in Canada, New Zealand, and Australia was the rooted aversion these peoples have to any scheme which meant their sharing in the government of India. There were many of them ready enough to send members to a Parliament which controlled the foreign affairs of the British Commonwealth. A much smaller minority were prepared to send members to a Parliament which controlled India. The feeling against such proposals was overwhelming and the reason is not far to seek. To these young democratic communities the principle of self-government is the breath of their nostrils. It is almost a religion. They feel as if there were something inherently wrong in one people ruling another. It is the same feeling as that which makes the Americans dislike governing the Philippines and decline to restore order in Mexico. My first impressions on this subject were strongly confirmed on my recent visit to these Dominions. I scarcely recall one of the numerous meetings I addressed at which I was not asked why India was not given self-government and what steps were being taken in that direction.

So evident was this feeling in these Dominions that I set out to inquire whether it was possible for a parliament to



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Here was a purely practical question which could not be tested by logic or reasoning, but only by the experience of men who had worked the machine. So I asked all the ministers I knew, who had ever sat in an Imperial Cabinet, whether they could picture the Foreign Secretary, the Minister for War and the First Lord of the Admiralty doing their work in a Cabinet which did not contain the Secretary of State for India. From all but one I received the unhesitating answer that they could not imagine it even for a year. The one exception thought that such an arrangement might be worked for a very short time, but was certain to break down in a few years. This last opinion I obtained only after I had finished and signed *The Problem of the Commonwealth*.

As an independent researcher my business is to emphasize those truths which people don't want to hear. The public has plenty of people to tell them the things they want to hear. The principal object of the Round Table groups is that students may learn to recognize those particular truths from which the natural man recoils. The people of the Dominions rightly aspire to control their own foreign affairs and yet retain their status as British citizens. On the other hand they detest the idea of paying taxes to any Imperial Parliament, even to one upon which their own representatives sit. The inquiry convinced me that, unless they sent members and paid taxes to an Imperial Parliament, they could not control their foreign affairs and also remain British subjects. But I do not think that doctrine is more distasteful to them than the idea of having anything to do with the Government of India. There are, I may add, a large number of people in England who share that view.

If you will read *The Problem of the Commonwealth* you will see that it is throughout an argument in favour of two doctrines addressed to people who are deeply averse to both. You will see by reference to p. 202 that I knew that India was extremely averse to one of them.

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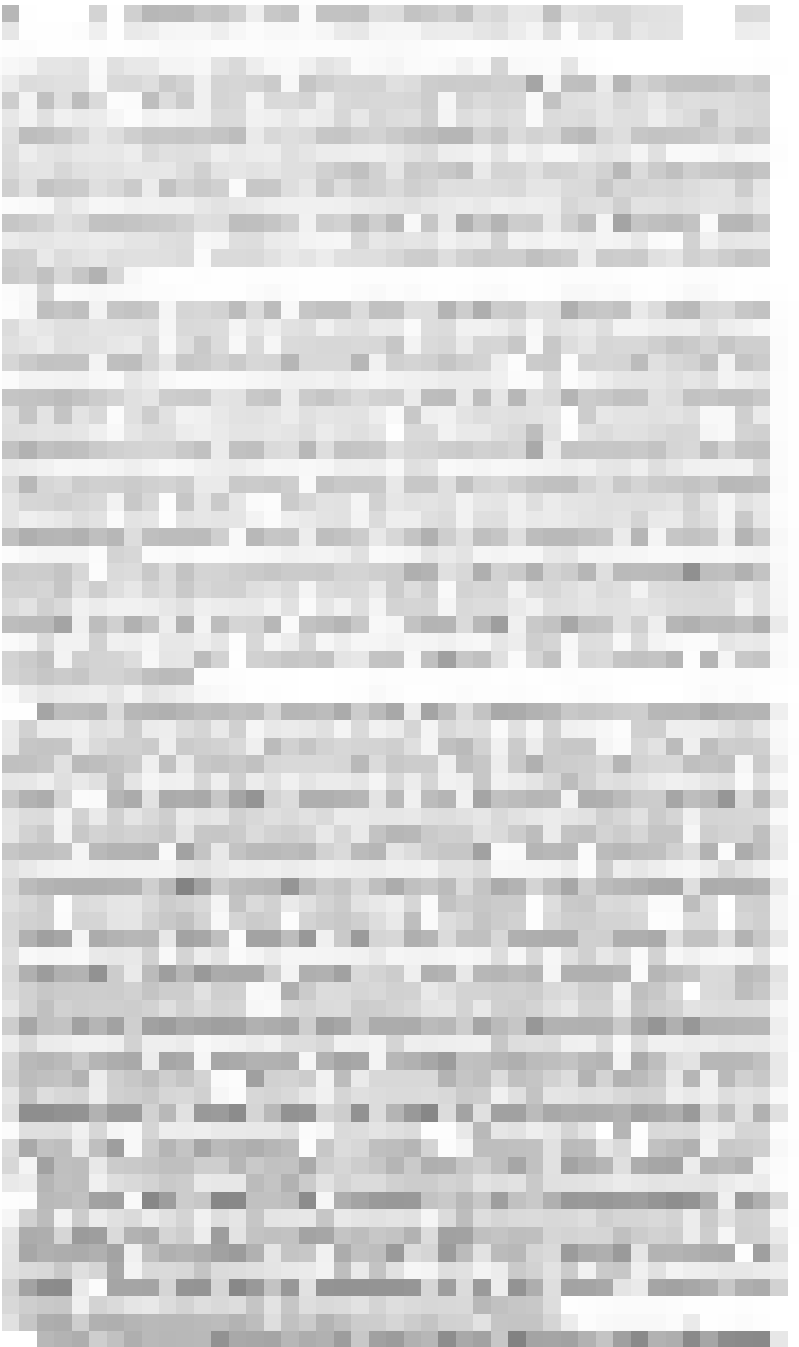

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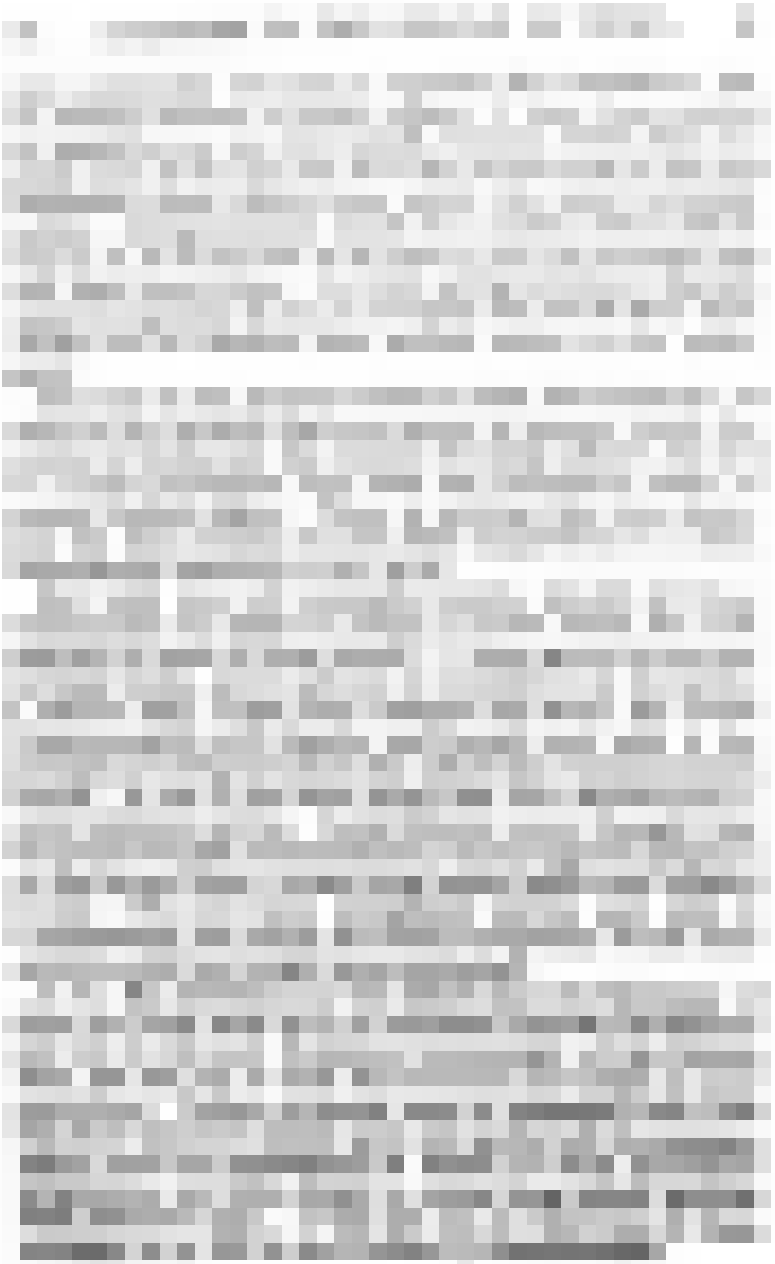
The root of the present trouble is that this insistence of mine on the doctrine that you cannot at present divide the control of India and the control of foreign affairs, has led to a false impression here that the Dominions want to control Indian affairs. There is nothing they less desire, and the best remedy for this false impression is a clear, unhesitating statement of the facts.

But why, you will naturally inquire, should all these communities be asked to adopt a course which the vast majority in each of them detest? I have given the answer in these books, and I ask you to consider it on its merits. I believe that, unless such changes are faced, the whole Commonwealth will dissolve and perish, and with it the principle of self-government for which that Commonwealth stands. It was in the same belief that Lord Roberts advocated national service. Lord Roberts never thought that the people wanted national service, but he urged its adoption on the ground that a worse thing might befall, and befallen it has. We now have compulsory service and with it a devastating war which its timely acceptance would have quickly ended and might have prevented.

§ 19. My insistence on this belief that the Secretary of State for India must sit in a reformed Imperial Parliament and not in the new Dominion Government of the British Isles, has led you to treat this book as one hostile to your aspirations. Indian reviewers were so possessed with that idea that they have seized upon and quoted all the passages which could be represented as hostile to their immediate programme, and have failed to notice those which endorse their ultimate aims. I will ask you to read one of these passages, on p. 205 of the *Problem of Commonwealth*.



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Principle of the Commonwealth as applicable to the Government of Dependencies:

The inclusion in one vast Commonwealth of the most democratic countries in the world side by side with ancient and primitive countries, which constitute whole sections of the human race and are scattered all over the world, is the consequence neither of chance nor of forethought. This conjunction of human elements so different in one world Commonwealth is the gradual result of the deepest necessities of human life. Of these the first is to establish ordered relations between most different races of men ordained by Providence to dwell together in one planet, the various regions of which have now been brought into intimate contact with one another. In order to do this the Commonwealth has had to evolve order from chaos in politically backward communities like India. But the Commonwealth cannot, like Despotisms, rest content with establishing order in and between the communities it includes. It must by its nature prepare those communities first to maintain order within themselves. It must make them, to an ever-increasing degree, the instruments whereby justice is ordained and enforced between one citizen and another. The peoples of India and Egypt, no less than those of the British Isles and Dominions, must be gradually schooled to the management of their national affairs. But even when this has been done, the goal of the Commonwealth has not been reached, until the mutual relations of all the self-governing nations it includes are controlled by the will of their peoples acting in common. It is not enough that free communities should submit their relations to the rule of law. Until all those peoples control that law the principle by which the Commonwealth exists is unfulfilled. The task of preparing for freedom the races which cannot as yet govern themselves is the supreme duty of those who can. It is the spiritual end for which the Commonwealth exists, and material order is nothing except as a means to it.

I have before me two reviews, each consisting of five successive articles. I am asked in these reviews why I do not apply my arguments in favour of self-government to India. The answer is contained in the passage I have quoted. I do apply those arguments to India, and yet amongst all the numerous quotations made in these ten articles no room was found for the passage above quoted. For every Indian who reads the book, there are, as I have said, thousands who read the reviews, and I wonder if their real interests would have suffered if space had been found to add this quotation.

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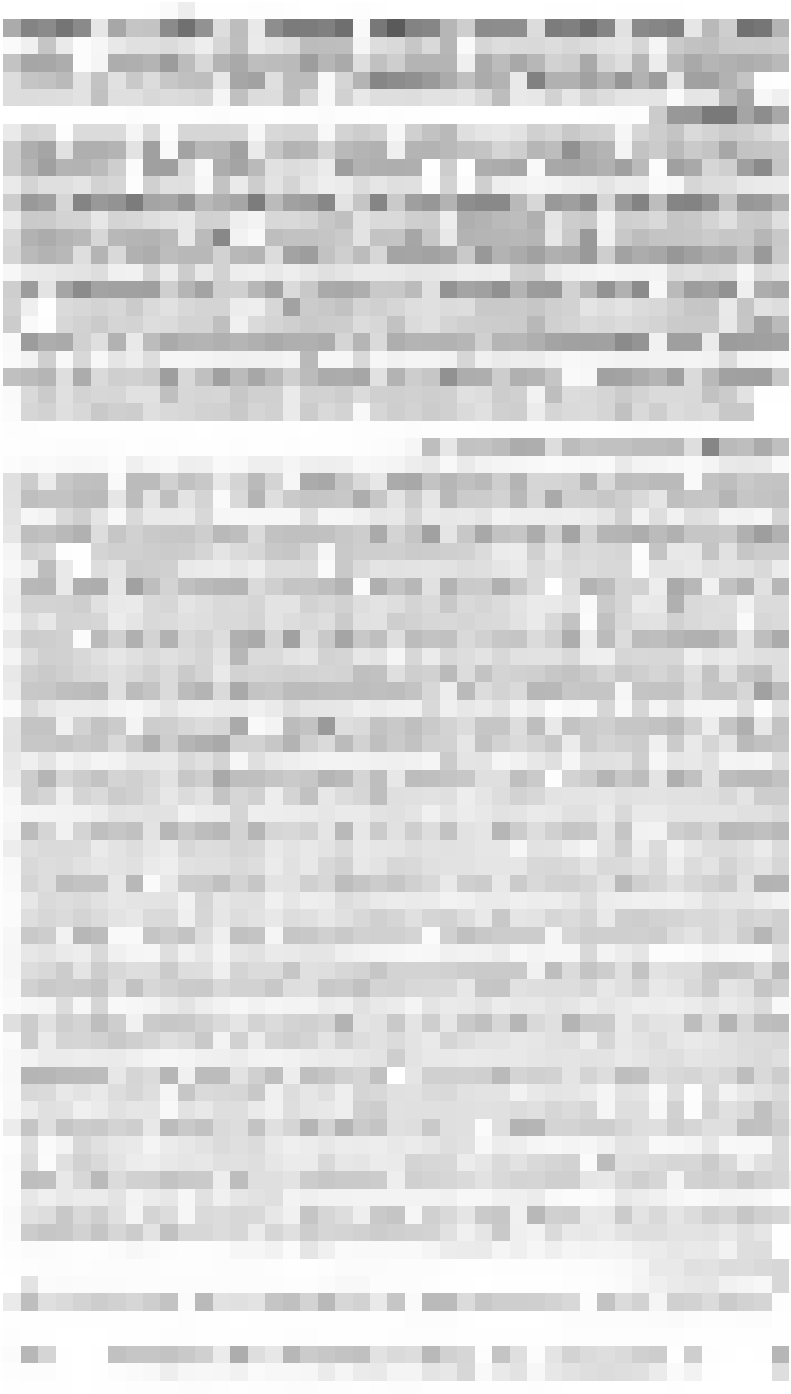

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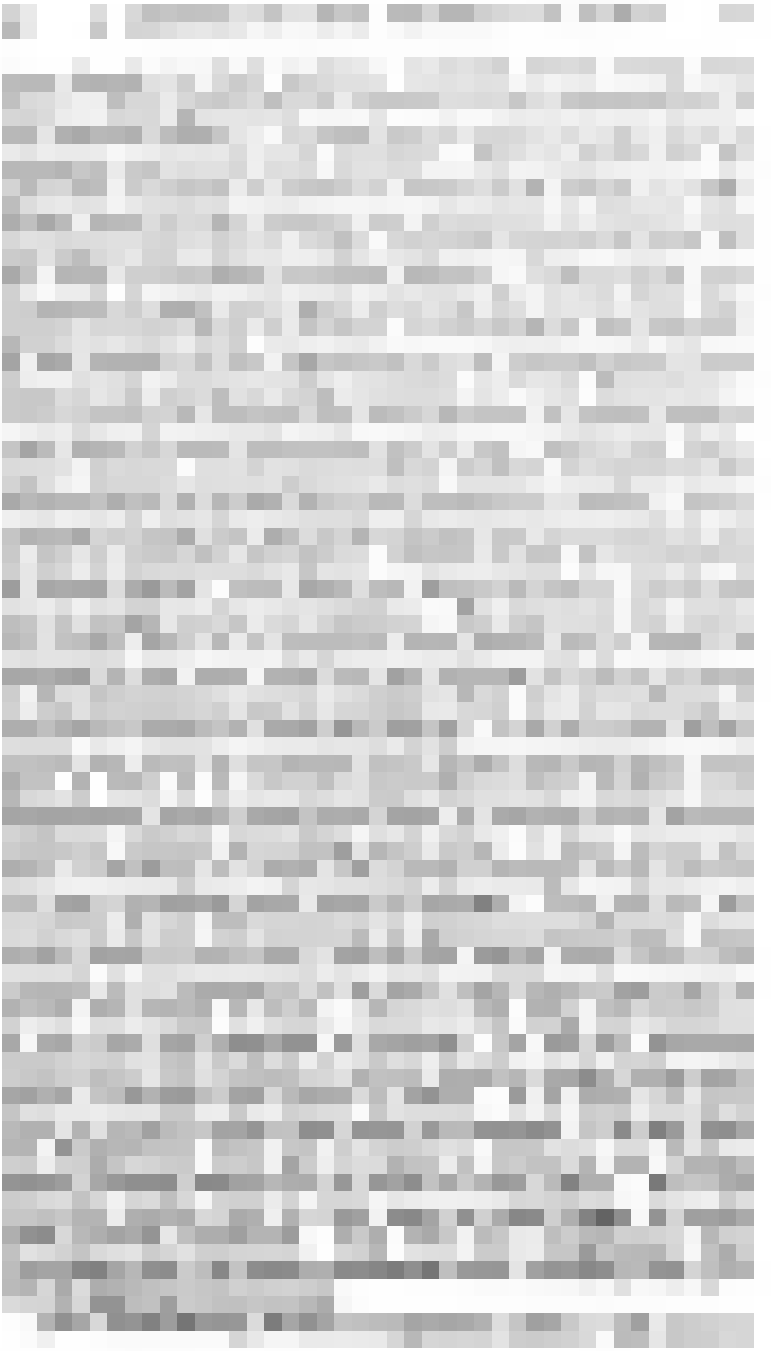

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consider what the passage to which I have drawn your attention means. In plain words it means these two things—

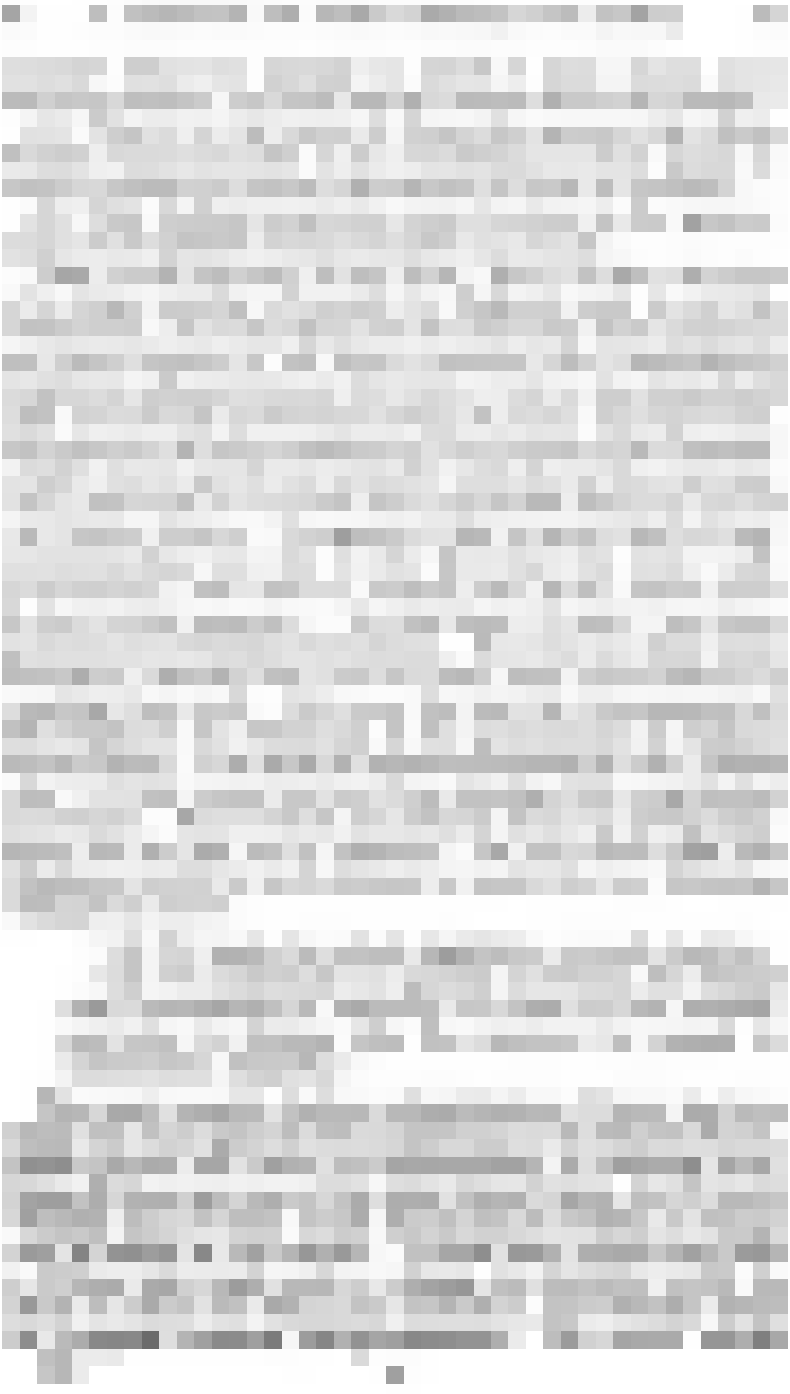
(1) That it is the duty of those who govern the whole British Commonwealth to do everything in their power to enable Indians to govern themselves as soon as possible.

(2) That Indians must also come to share in the government of the British Commonwealth as a whole.

That, in all sincerity, is my view. But it is also the view of a large number of people in England, and in all the Dominions. It is vital that you should realize how numerous are your friends in all these countries who instinctively believe in self-government for India; but no less important that you should understand what we mean by that term. My own view is fully explained in *The Problem of the Commonwealth*; but to put it in a nutshell I will tell you of a conversation I had with a very able and responsible friend in one of the Native States. I suggested that a great deal of misunderstanding was due to the fact that the term 'self-government' was used to include two ideas, which were in fact totally separate. 'In this State', I said, 'you have government of Indians by Indians. It is true you have some European officials who tell me that your Government is treating them well. But none the less the Government of His Highness the Maharaja is the government of Indians by an Indian. It is what we might appropriately call "Home rule", if that name had not been assumed by a particular movement. But to show you what I mean by self-government, let me ask you a question. Do you think that His Highness would be well advised to make the two following changes at once?

> '(1) To make his whole legislative council elective.
>
> '(2) To undertake to appoint as Diwan the leader who commanded a majority of votes in the council, and also to dismiss him the moment he ceased to command a majority.'

The most capable Indian administrators I have met are those who have gained their experience in the Native States, which proves the value of responsibility in training men. Some of them are men of the most liberal views, but I doubt whether any of them would think that so drastic a change can be made at one stroke. I think they would say that a Prince who made such a change too quickly would be likely to throw his State into confusion, and thereby delay its progress towards self-government. He would advise



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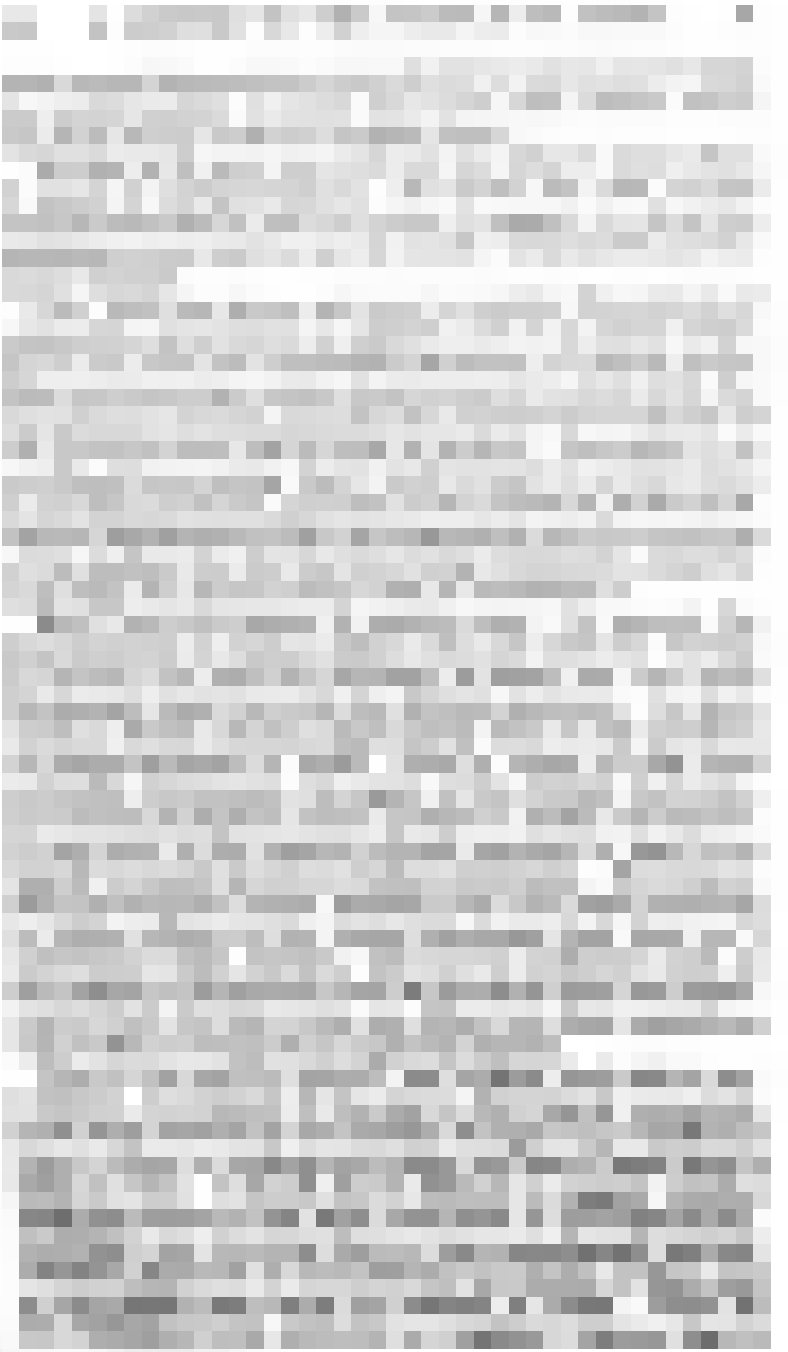
that several intermediate steps should be taken, and I think he would hesitate to name any exact time within which the final change could be brought about.

Be that as it may, you will now see what I mean when I speak of self-government. To avoid the risk of this misunderstanding it will be better, I suggest, to drop this ambiguous term and to use the words 'responsible government' instead.

§ 21. And now let me ask you to consider this system of responsible government as applied, not to a native state, but to the vast and complicated structure of British India. Here you have two orders of government to deal with, the Government of India and also the various Governments of the provinces into which India is divided. Personally I do not flinch from saying that I look forward to a time when in all these provinces, and also in the capital of India itself, elective legislatures will sit, with executives wholly consisting of the leaders who for the time being command a majority and resign the moment they cease to command it.

May I put the matter in another way. At present the *final* authority in Indian affairs rests not with the Viceroy in Council, nor with the Secretary of State, nor even with Parliament itself, but with the British electorate. In plain words a British election might easily turn on the question of self-government in India. Now in virtue of that final authority, Parliament, the agent of the British electorate, has already delegated certain powers to Indian electorates. It may and, in my opinion, should continue to hand over largely increased powers to Indian electorates. But responsible government means handing over the *final* authority in Indian affairs to the Indian electorate, and that, as I understand these matters, will not be achieved until at the capitals of India and of all its provinces there are parliaments which by their votes can either turn their executives out of office or bring about a general election.

That is the end to which I am looking, and which can, I believe, be attained if the goal is first clearly conceived, if the steps towards it are carefully thought out, if sufficient time is taken in making such steps, and also if each step is taken in time. I should find it difficult to suggest whether India has more to fear from over-haste or procrastination. And this I say, knowing that so wise, experienced, and advanced a democrat as Lord Morley has spoken of that goal as one which may never be reached in India. With all due deference to an authority so weighty I believe that it



that several intermediate steps should be taken, and I think he would hesitate to name any exact time within which the final change could be brought about.

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can, must, and will be reached, and nothing which I have seen in India has shaken or is likely to shake that faith.

Immediate fulfilment of that project, however, is not the change for which any organized body of Indian opinion is asking at this moment. The reason for this caution on the part of your leaders is, I believe, exactly the same as that which would deter the most liberal statesman to be found in any of the most progressive of the Native States. I think he would say that any attempt to effect such a change too suddenly might lead to a breakdown of the whole machinery so serious that, instead of achieving responsible government, its real achievement would be greatly postponed.

§ 22. This, however, is not the question that I want to discuss now. It is not the question that I came here to examine, and let me say, once for all, that it is not a point upon which I feel that my own opinion is of any particular value. To quote the words of my own letter, the subject of my inquiry is to see 'how India is to be worked into the settlement which ought to follow the war'. For that purpose it is quite sufficient to note that, as a believer in responsible government for India, I have before me two possible alternatives and two only—

(1) That responsible government can be established in one operation, at once.

(2) That responsible government can only be established by a series of changes which will take some time.

I beg you to keep those two alternatives in mind, and to realize the importance of working out the practical consequences of both on the problem before us. Think what that problem is. The British Commonwealth contains upwards of 430,000,000 souls. But the government charged with the defence of this vast world-state is responsible to, and can draw its revenues from, only the 45,000,000 people of the British Isles. Now if the war stopped to-day I believe that the charges on the war-debt would exceed the total revenue of the United Kingdom before the war, which was under £200,000,000. When peace is made it is not unlikely that £300,000,000 per annum will be required to meet the interest and sinking fund on debt, before a shilling is available for the Navy, for the Army, for Public Education, or for all the other departments of government. Realize that for the loan just raised the charges for interest alone will exceed £50,000,000 a year, more than a quarter of the whole national revenue before the war. In addition to all this, vast sums will have to be found as pensions for those

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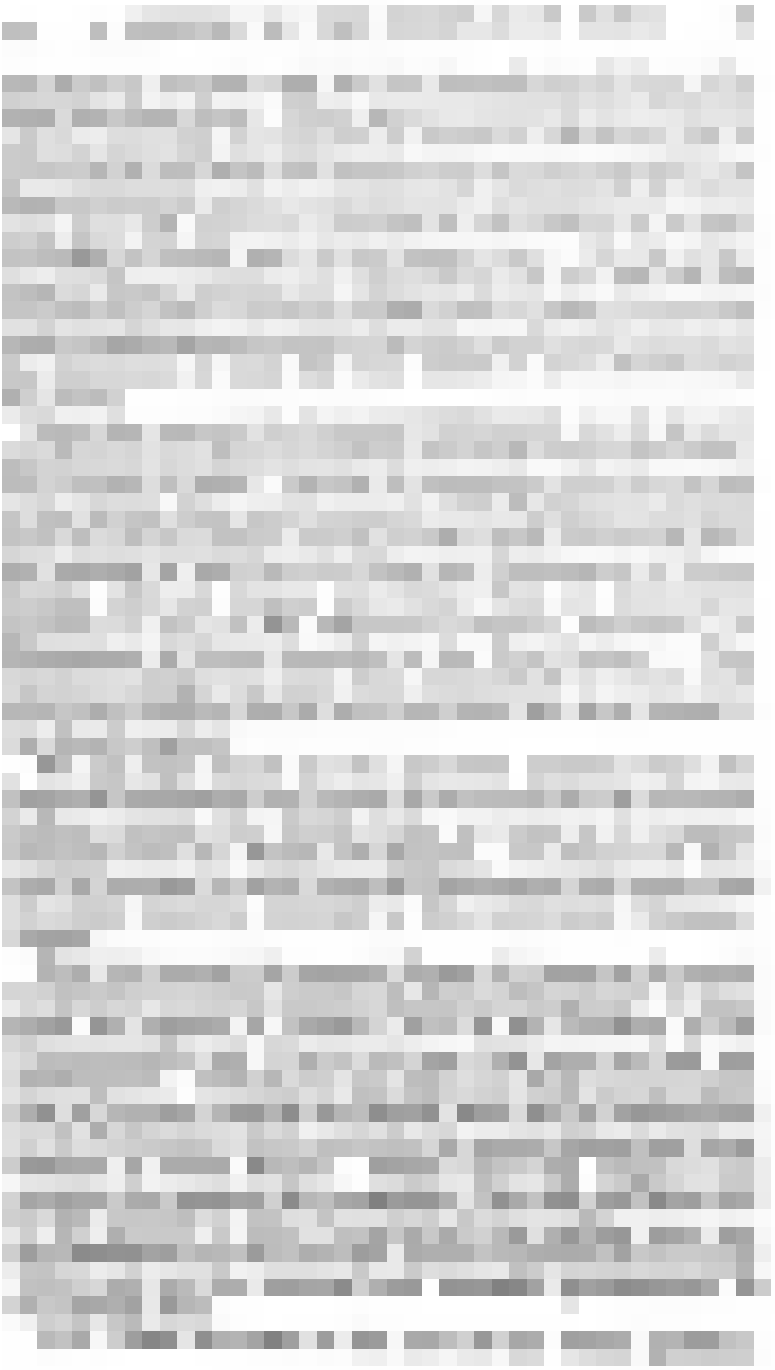
Now why cannot the Imperial Parliament, as at present established, raise that money from the whole Commonwealth? The answer is plain; because it represents only the people of the British Isles, and because in 1778 Parliament pledged itself by solemn statute which provides that 'from and after the passing of this Act the King and Parliament of Great Britain will not impose any Duty, Tax, or Assessment payable in any of His Majesty's Colonies, Provinces, or Plantations in North America or the West Indies'. This statutory pledge has since been interpreted to cover each and every territory which since that time has been added to the King's realms.

We are thus faced by the practical position that the Imperial Parliament can impose no revenues for the common defence outside the British Isles, so long as it remains identical with the British Parliament. It cannot do this, until it becomes a really Imperial Parliament and represents the other countries included in this world-wide Commonwealth.

Now why cannot the present House of Commons be made to represent countries outside the United Kingdom? I have given the answer in Chapter XIV of the *Problem of the Commonwealth*, and I have not seen that any one has yet challenged it. I think you may take it as final and accepted that no country outside the British Isles can be represented in the Parliament which controls the social affairs and local finances of Great Britain. Please read this chapter and examine the question for yourselves; but will you allow me for the present to take it as granted that neither you, nor the Dominions, nor any one else, can be represented on a body which acts as the national and domestic government of the British Isles.

§ 23. Here we come to the root of the whole problem.



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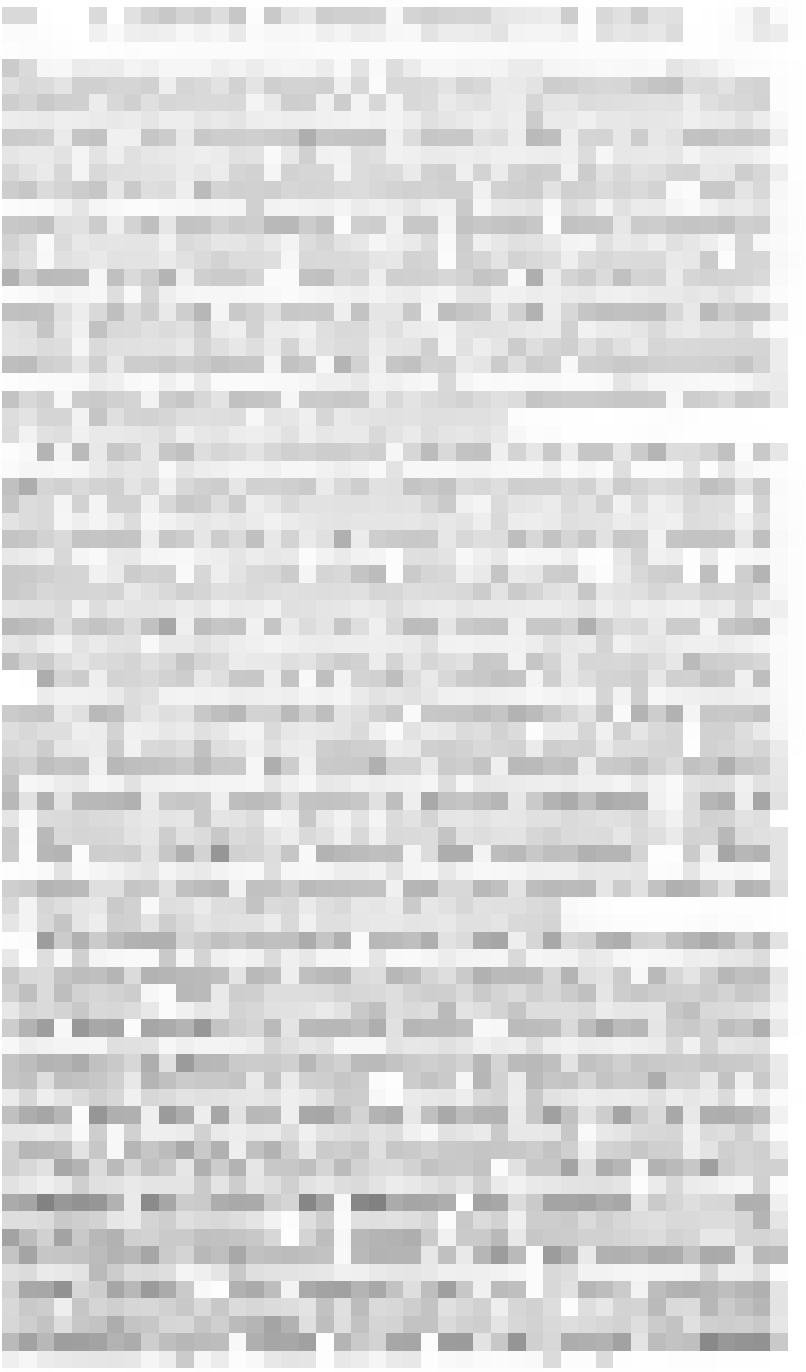
The supreme government of this vast Commonwealth is a duplex government, that is to say, two governments rolled into one. My whole argument, which I ask you to examine on its merits, is that after this war it must be divided into two and so be brought into harmony with the facts. There must be one government for the British Isles responsible for its local domestic affairs, and therefore elected by the British people alone. There must also be another government which has no more to do with the domestic affairs of the British Isles than with those of Canada and Australia, which is responsible for the safety of the Commonwealth as a whole, and upon which its other communities, as well as the British Isles, can be represented.

It is my sincere conviction, though I do not ask you to agree with it, that unless this change is made in the constitution of the British Commonwealth, and made in time, it will perish and with it the hopes of freedom for which it stands, those of India along with the rest. That is my conviction, and I have given some reasons for it in two books; and believing that as I do, I am now trying to see what place India ought to occupy in the new and altered system.

Now suppose that it is really possible to equip India at once with a constitution, the counterpart of that under which the peoples of Canada, Australia, and South Africa govern themselves, the problem upon which I am working is a simple one, and needs no special treatment. But as a political mechanic, who is trying to explore the subject, I am not justified in making that assumption. I must explore the other alternative and see where it leads, and I urge that you will be wise to do the same.

Responsible government means that the final authority in Indian affairs will have been transferred to an Indian Parliament. We are now supposing that India will approach this final transfer by several steps. The nature of those steps and the pace at which each is to be taken can, and should, be freely discussed in India. But the *final* decision as to what they are to be, and how rapidly they can be taken, must of necessity rest with the government outside India, in which the final authority remains, until the transfer is complete and India has assumed the position of a self-governing Dominion. At present that authority rests with the Imperial Parliament, which is also the Parliament of Great Britain. But suppose that, as I have predicted, that duplex Parliament is divided into two, a purely British Parliament upon which no one but the people of Britain



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can be represented, and a true Imperial Parliament upon which the other communities of the Commonwealth can find a place. Which of those two bodies do you think should decide how fast India is to travel towards responsible government?

In *The Problem of the Commonwealth* I have argued that, in the nature of things, that decision must rest with the Imperial Parliament. I did so because every man who had sat on the Cabinet to whom I had access told me that an Imperial Cabinet could not control foreign affairs unless it included the Secretary of State for India. I laid great stress on the point, just because I knew that this involved consequences distasteful not only to the people of India, but also to those of the Dominions. I thought, and think, that I was right in this; but I have so often been wrong that I am quite prepared to believe that I may be mistaken in this also. For the purpose of our present discussion let us assume that I was mistaken and that whether the Secretary of State for India is to be answerable to the domestic Parliament of the United Kingdom or to an Imperial Parliament is purely a matter of option.

Now which would you choose? In making this choice it will help if we try to picture the two governments between which your choice is to lie.

In the purely British Parliament, elected to deal with the domestic affairs of the British Isles and to vote revenues which are purely British, we can say with practical certainty that your representatives can find no place.

With an Imperial Parliament, which has nothing to do with the domestic affairs of the British Isles, it is otherwise. The whole point of calling such a parliament into being is that the other communities of the Commonwealth, as well as Britain, can be represented upon it. Now the only point in which my letter differed from my published books was this, that I was telling my friends that I was now convinced that India must be represented on that body. After a longer stay in India I am prepared to go further still. I now think that the Imperial Parliament should include an Upper as well as a Lower House. I think that the Upper House should bear to the Lower a relation similar to, though not exactly the same as, that which the House of Lords bears to the House of Commons since the passing of the Parliament Act. As to the representation of India in both those Houses, the appointment of His Highness the Maharajah of Bikaner to represent the Princes of India at the

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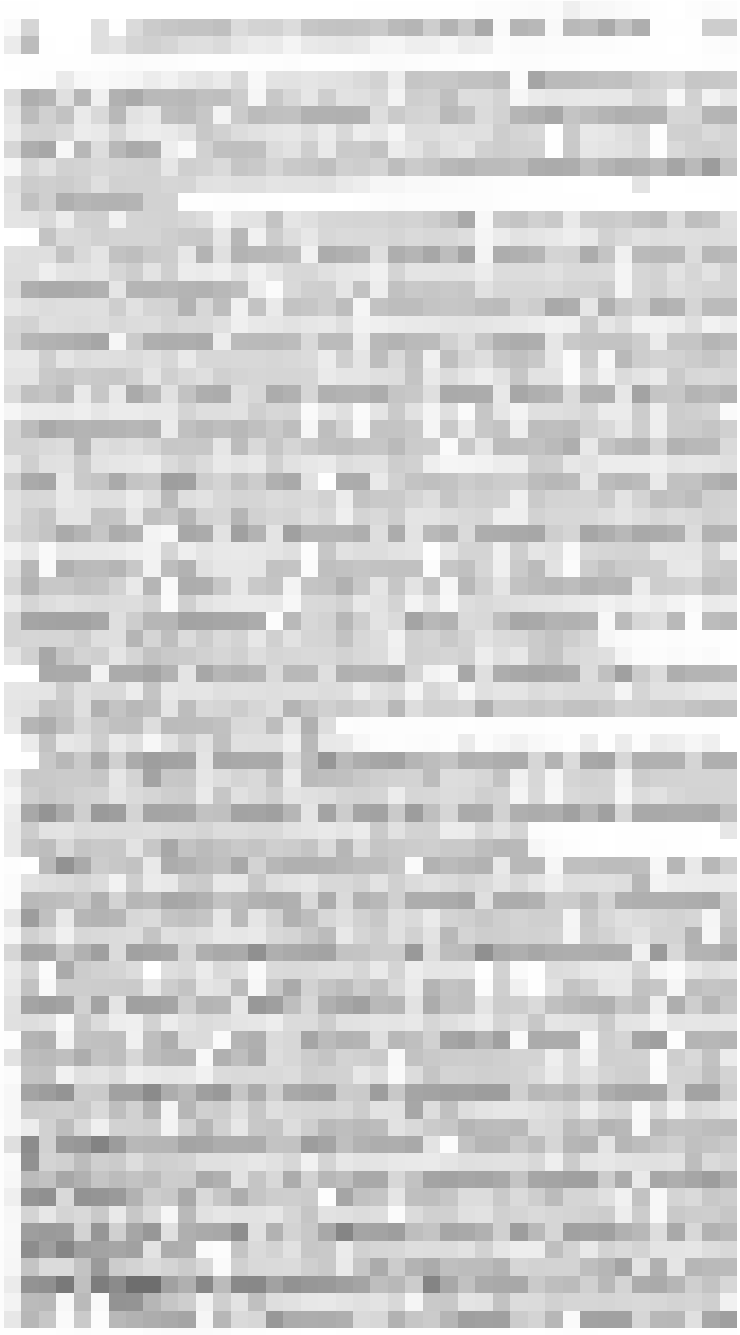

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Assuming then that the Imperial Parliament is to include two houses, I will deal with the Upper Chamber first. I suggest that we want such an Upper House in order to give a voice to certain interests which could not be represented in a purely elective chamber vested with power to turn the Imperial Government out of office.

Let me point to two such interests. Of the total population of India a quarter, I think, are in Native States and nearly a quarter are followers of Islam. The Native States, no less than the Dominions, are committed to peace and war by the decisions of the Imperial Government. I submit that their princes should have a voice in the counsels which lead to such decisions. There is no more difficulty in representing them on the Upper House of a real Imperial Parliament, than there was in representing the Scottish and Irish Peers in the House of Lords. And then there are the followers of Islam, not only in India but also outside it. Turkey contains less than 20,000,000 Moslems. India alone contains 66,000,000, while Egypt and Central Africa must include some 34,000,000 more, making in all at least 100,000,000 followers of Islam. The majority of Moslems are in fact citizens of the British Commonwealth, although the principal centres and authorities of their faith are outside its limits. The result, as this war has shown, is that foreign relations affect the Moslem community at a sensitive point and in various ways as they affect no other important section of British subjects. Surely it would greatly add to the strength of this Commonwealth if this vast cosmic community could feel that when foreign affairs were under discussion their views were voiced by spokesmen of their own faith.

Here, then, are two great interests, the Native States and the great Islamic community, a place for whose spokesmen could be found in an Upper Chamber, such as could scarcely be found in a Lower House which must be a purely elective assembly.

Before leaving the Upper House I want also to suggest that, according to all precedent, its members would be eligible for office in the Ministry itself.

Now let us come to the Lower House, which must, I assume, be wholly elective. I am still within the limit of views which I am not likely to alter, in recording my personal opinion that elected representatives of India—by

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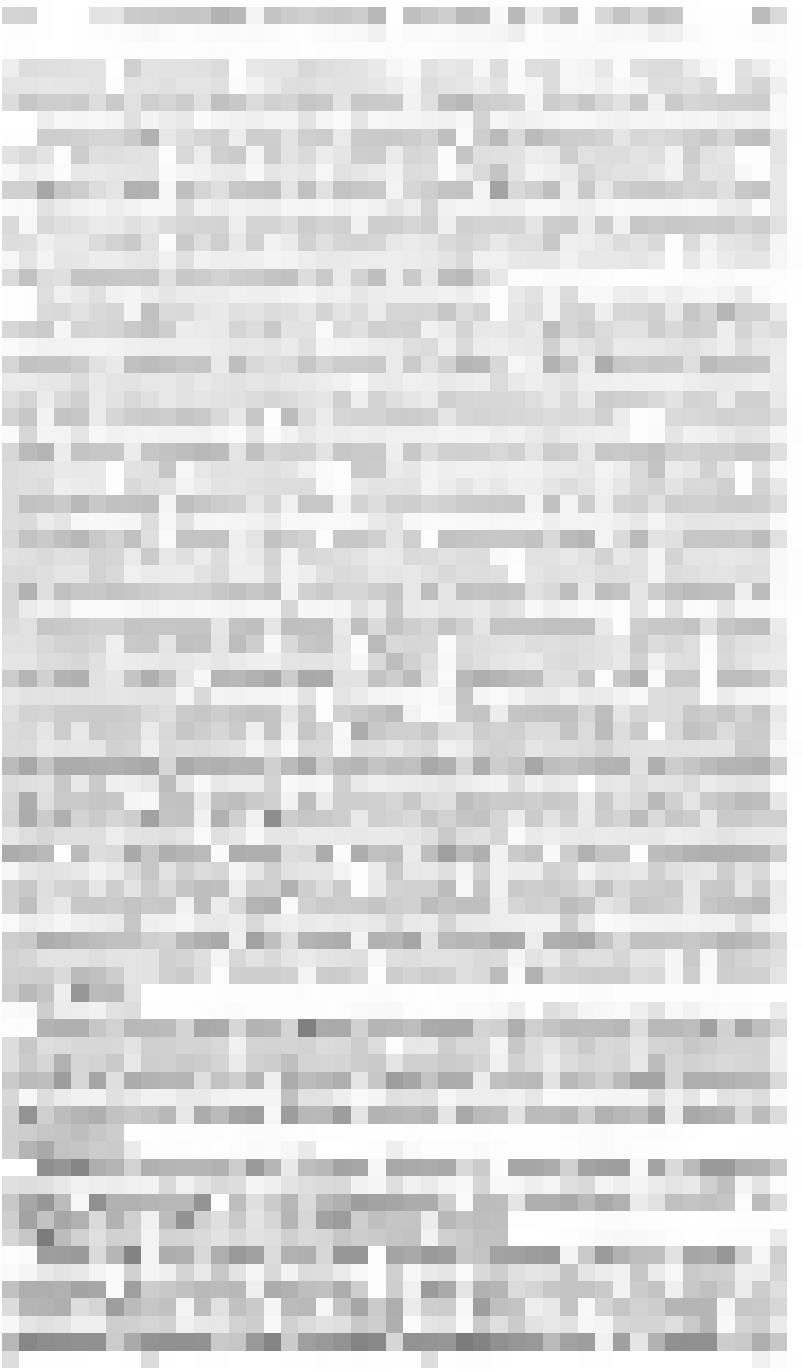

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§ 24. Let us now summarize our results. The questions which most deeply affect India are these—

(1) By what steps should she reach responsible government?

(2) How fast can those steps be taken?

The final decision on such questions must rest with one of two authorities, either—

I. A government which can be answerable only to the people of the British Isles, or

II. A Government which can be made answerable to all the communities of the British Commonwealth and therefore one which, as I personally hope and believe, will contain Indians authorized to voice the wishes of her people.

Upon which of these two authorities would you wish these final decisions to rest, until they are made, and the need for making such decisions has ceased? And in making your choice it is well that you should realize that the English members of Parliament upon whose sympathy you have learned to count are just as likely to seek election to the Imperial Parliament as to the new Parliament created to deal with the local affairs of the British Isles. If the Imperial Parliament continued to deal with India, I believe, that nearly all of them would seek election to that body. The vital point, however, is that the Imperial Parliament could

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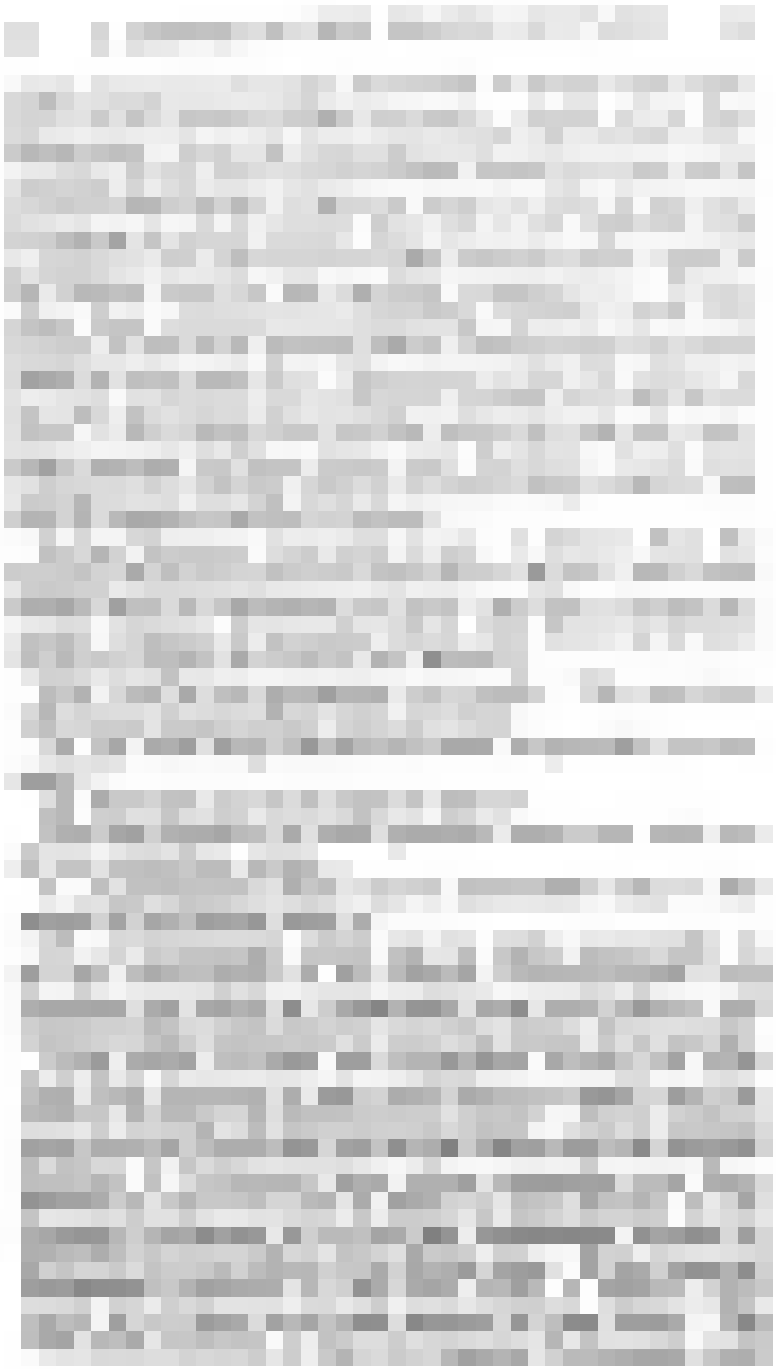
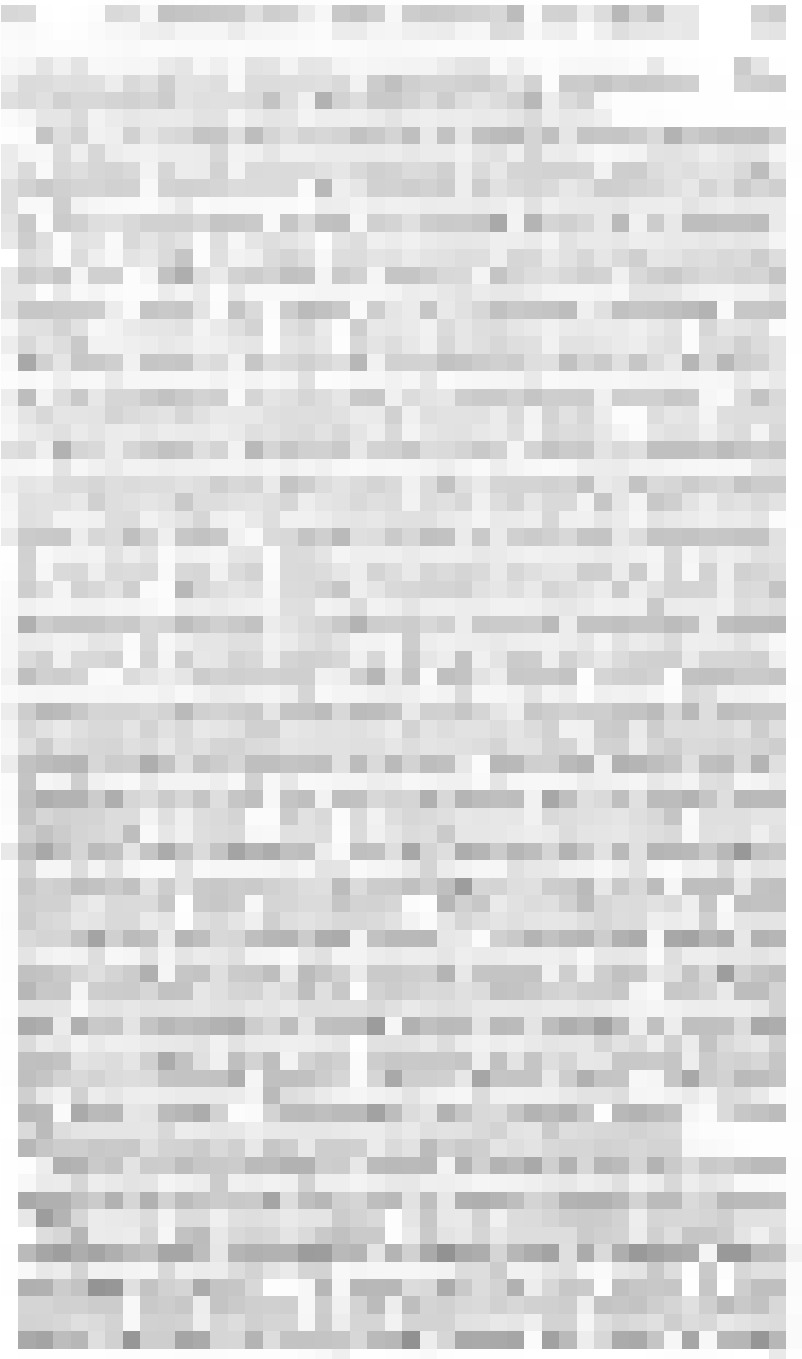


include members directly answerable to yourselves. The local Parliament of the British Isles could not.

§ 25. It is difficult to conceive a question more important to Indians at the present juncture of affairs, and for their judgement upon it to be clouded by the passions excited in this controversy would be nothing short of a disaster. We are living in times when events are forcing decisions upon us. They punish our delays, and if we quarrel and hesitate, when we ought to be thinking, resolving and acting, events will rule those decisions over our heads. We have then to accept the punishment with the decision, as has happened in the case of compulsory service. Our only safety lies in grasping the issues at stake. I am sorry to have caused a personal controversy which is threatening to cloud such issues just now, when counsels that are calm and clear, insight and mutual good will are the first necessities of the time. I greatly desire to end this controversy. It can hurt me but little, and would not matter if it hurt me much. But to public interests it may do grave and permanent mischief, if suffered to obscure questions which can only be settled aright so far as they are clearly understood. A controversy which has raised such passions cannot be closed by allowing it to die; for in dying it leaves the mind of the public strewn with untruths, which presently spring to life in a harvest of thorns. The best that I can do, therefore, is to tell the truth patiently and in detail from beginning to end. And in doing so I have tried not to spare my own mistakes; for why should one do otherwise? Avoidance of errors is the privilege of those who walk by paths paved with precedents. Such avoidance is at best 'a fugitive and cloistered virtue'. Untravelled paths are traced only by those who attempt many in vain, recognize their mistakes, turn back, and try others anew. You who are now committed to fields which are strange to you will learn to regard your own mistakes as your fastest friends and your trustiest guides. Never disown them. Call them by their name. Understand and consult them. Your achievements you can leave to speak for themselves.

And in noting mistakes, others, as well as my own, I have tried, so far as in me lies, not to answer blame with blame. 'Why', it was once asked, 'do we so freely arrogate to ourselves God's prerogative of blame, and so neglect man's privilege of pity?' It were well for the world if that question were written at the head of every leading article, above the title of every book, across the chair of every



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creation or death. Our whole race has outgrown the na
national State, and as surely as day follows night or nigh
day, will pass either to a Commonwealth of nations or
to an empire of slaves. And the issue of these agonies
with us, in which word I include yourselves. Your
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wealth, but that of the World. With us it rests to destro
by our own ignorance and divisions, or else to renew
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Let us leave this talk of conspiracies and think mor
each other and less of ourselves. And this I would urg
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scarcely the time for the nations of this Commonwealth
harbour unworthy suspicions of each other. And w
peace returns and the time has come to repair its breac
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APPENDIX

THE CONGRESS LEAGUE SCHEME

*RESOLUTION adopted by the Thirty-First Session of the In
National Congress held at Lucknow on the 29th December, 1
outlining a Scheme of Reforms as a Definite Step towards
Government. Also adopted by the All-India Muslim Leagu
its Meeting held on the 31st December, 1916.*

RESOLUTION

(*a*) That having regard to the fact that the great communiti
India are the inheritors of ancient civilizations and have sh
great capacity for government and administration, and to
progress in education and public spirit made by them during a
tury of British Rule, and further having regard to the fact that
present system of Government does not satisfy the legitimate asp
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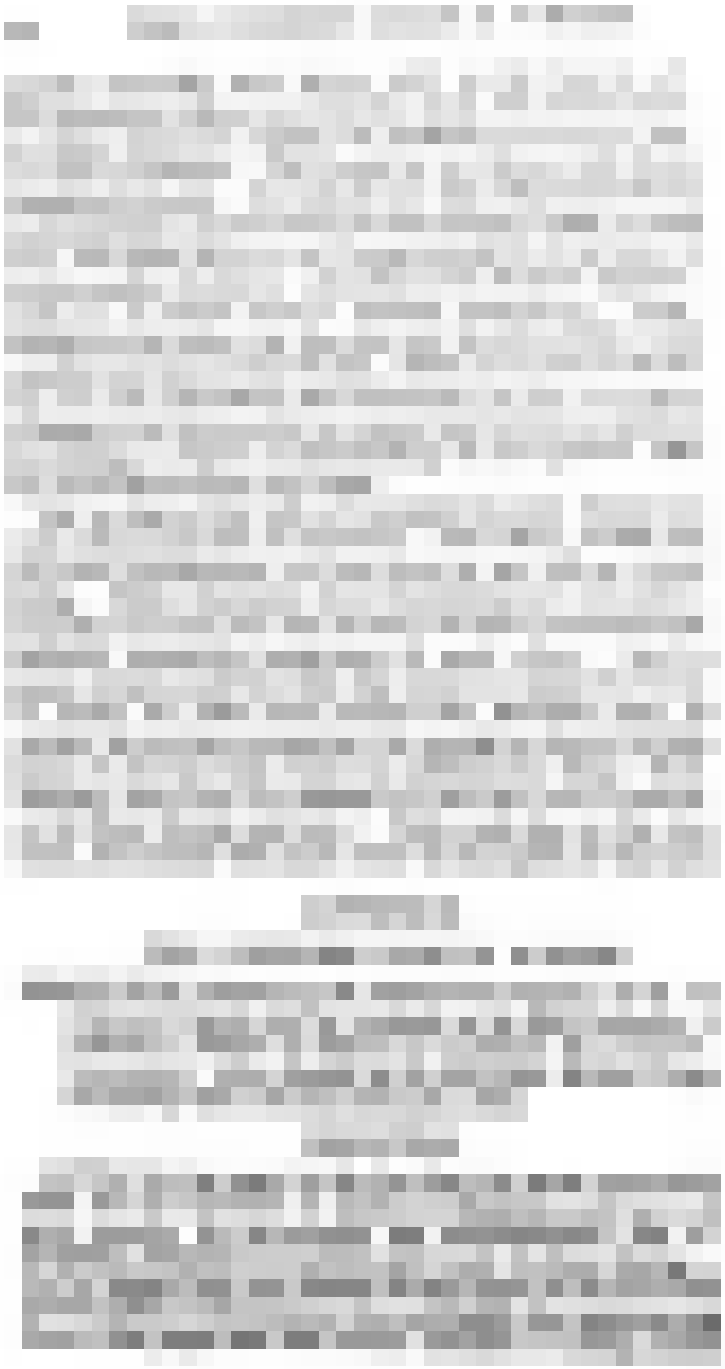

and requirements, the Congress is of opinion that the time has come when His Majesty the King-Emperor should be pleased to issue a Proclamation announcing that it is the aim and intention of British policy to confer Self-Government on India at an early date.

(*b*) That this Congress demands that a definite step should be taken towards Self-Government by granting the reforms contained in the scheme prepared by the All-India Congress Committee in concert with the Reform Committee appointed by the All-India Muslim league (*detailed below*).

(*c*) That in the reconstruction of the Empire, India shall be lifted from the position of a Dependency to that of an equal partner in the Empire with the self-governing Dominions.

REFORM SCHEME

I. Provincial Legislative Councils

1. Provincial Legislative Councils shall consist of four-fifths elected and of one-fifth nominated members.

2. Their strength shall be not less than 125 members in the major provinces, and from 50 to 75 in the minor provinces.

3. The members of Councils should be elected directly by the people on as broad a franchise as possible.

4. Adequate provision should be made for the representation of important minorities by election, and the Mohammedans should be represented through special electorates on the Provincial Legislative Councils in the following proportions :

PUNJAB—One-half of the elected Indian Members.		
UNITED PROVINCES—30 per cent	,,	,,
BENGAL—40 per cent.	,,	,,
BEHAR—25 per cent.	,,	,,
CENTRAL PROVINCES—15 per cent.	,,	,,
MADRAS—15 per cent.	,,	,,
BOMBAY—One-third	,,	,,

Provided that no Mohammedan shall participate in any of the other elections to the Imperial or Provincial Legislative Councils, save and except those by electorates representing special interests.

Provided further that no bill, nor any clause thereof, nor a resolution introduced by a non-official member affecting one or the other community, which question is to be determined by the members of that community in the Legislative Council concerned, shall be proceeded with, if three-fourths of the members of that community in the particular Council, Imperial or Provincial, oppose the bill or any clause thereof or the resolution.[1]

5. The head of the Provincial Government should not be the President of the Legislative Council, but the Council should have the right of electing its President.

[1] Clause 4 is now usually referred to as ' the Lucknow Compact '.

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6. The right of asking supplementary questions should not be restricted to the member putting the original question, but should be allowed to be exercised by any other member.

7. (*a*) Except customs, post, telegraph, mint, salt, opium, railways, army, and navy and tributes from Indian States, all other sources of revenue should be Provincial.

(*b*) There should be no divided heads of revenue. The Government of India should be provided with fixed contributions from the Provincial Governments, such fixed contributions being liable to revision when extraordinary and unforeseen contingencies render such revision necessary.

(*c*) The Provincial Council should have full authority to deal with all matters affecting the internal administration of the province including the power to raise loans, to impose and alter taxation, and to vote on the Budget. All items of expenditure, and all proposals concerning ways and means for raising the necessary revenue, should be embodied in Bills and submitted to the Provincial Council for adoption.

(*d*) Resolutions on all matters within the purview of the Provincial Government should be allowed for discussion in accordance with rules made in that behalf by the Council itself.

(*e*) A resolution passed by the Provincial Legislative Council shall be binding on the Executive Government, unless vetoed by the Governor in Council, provided however that if the resolution is again passed by the Council after an interval of not less than one year, it must be given effect to.

(*f*) A motion for adjournment may be brought forward for the discussion of a definite matter of urgent public importance, if supported by not less than one-eighth of the members present.

8. A special meeting of the Provincial Council may be summoned on a requisition by not less than one-eighth of the members.

9. A Bill, other than a Money Bill, may be introduced in Council in accordance with rules made in that behalf by the Council itself, and the consent of the Government should not be required therefor.

10. All Bills passed by Provincial Legislatures shall have to receive the assent of the Governor before they become law, but may be vetoed by the Governor-General.

11. The term of office of the members shall be five years.

II.—Provincial Governments

1. The head of every Provincial Government shall be a Governor who shall not ordinarily belong to the Indian Civil Service or any of the permanent services.

2. There shall be in every Province an Executive Council which,

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4. Not less than one-half of the members of the Executive Council shall consist of Indians to be elected by the elected members of the Provincial Legislative Council.

5. The term of office of the members shall be five years.

III.—Imperial Legislative Council

1. The strength of the Imperial Legislative Council shall be 150.

2. Four-fifths of the members shall be elected.

3. The franchise for the Imperial Legislative Council should be widened as far as possible on the lines of electorates for Mohammedans for the Provincial Legislative Councils, *and the elected members of the Provincial Legislative Councils should also form an electorate for the return of members to the Imperial Legislative Council.*

4. One-third of the Indian elected members should be Mohammedans elected by separate Mohammedan electorates in the several Provinces, in the proportion, as nearly as may be, in which they are represented on the Provincial Legislative Councils by separate Mahommedan electorates.

Vide provisos to section I, clause 4.

5. The President of the Council shall be elected by the Council itself.

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9. All Bills passed by the Council shall have to receive the assent of the Governor-General before they become law.

10. All financial proposals relating to sources of income and items of expenditure shall be embodied in Bills. Every such Bill and the Budget as a whole shall be submitted for the vote of the Imperial Legislative Council.

11. The term of office of members shall be five years.

12. The matters mentioned hereinbelow shall be exclusively under the control of the Imperial Legislative Council :

(*a*) Matters in regard to which uniform legislation for the whole of India is desirable.

(*b*) Provincial legislation in so far as it may affect interprovincial fiscal relations.

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(*e*) The right of revising Indian tariffs and customs-duties, of imposing, altering, or removing any tax or cess, modifying the existing system of currency and banking, and granting any aids or bounties to any or all deserving and nascent industries of the country.

(*f*) Resolutions on all matters relating to the administration of the country as a whole.

13. A Resolution passed by the Legislative Council should be binding on the Executive Government, unless vetoed by the Governor-General in Council: provided, however, that if the resolution is again passed by the Council after an interval of not less than one year, it must be given effect to.

14. A motion for adjournment may be brought forward for the discussion of a definite matter of urgent public importance, if supported by not less than one-eighth of the members present.

15. When the Crown chooses to exercise its powers of veto in regard to a Bill passed by a Provincial Legislative Council or by the Imperial Legislative Council, it should be exercised within twelve months from the date on which it is passed, and the Bill shall cease to have effect as from the date on which the fact of such veto is made known to the Legislative Council concerned.

16. The Imperial Legislative Council shall have no power to interfere with the Government of India's direction of the military affairs and the foreign and political relations of India, including the declaration of war, the making of peace and the entering into treaties.

IV.—The Government of India

1. The Governor-General of India will be the head of the Government of India.

2. He will have an Executive Council, half of whom shall be Indians.

3. The Indian members should be elected by the elected members of the Imperial Legislative Council.

4. Members of the Indian Civil Service shall not ordinarily be appointed to the Executive Council of the Governor-General.

5. The power of making all appointments in the Imperial Civil Services shall vest in the Government of India, as constituted under this scheme, due regard being paid to existing interests, subject to any laws that may be made by the Imperial Legislative Council.

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7. In legislative and administrative matters the Government of India, as constituted under this scheme, shall, as far as possible, be independent of the Secretary of State.

8. A system of independent audit of the accounts of the Government of India should be instituted.

V.—The Secretary of State in Council

1. The Council of the Secretary of State for India should be abolished.

2. The salary of the Secretary of State should be placed on the British Estimates.

3. The Secretary of State should, as far as possible, occupy the same position in relation to the Government of India, as the Secretary of State for the Colonies does in relation to the Governments of the self-governing Dominions.

4. The Secretary of State for India should be assisted by two Permanent Under-Secretaries, one of whom should always be an Indian.

VI. India and the Empire

1. In any Council or other body which may be constituted or convened for the settlement or control of Imperial affairs, India shall be adequately represented in like manner with the Dominions and with equal rights.

2. Indians should be placed on a footing of equality in respect of status and rights of citizenship with other subjects of His Majesty the King throughout the Empire.

VII.—Military and other matters

1. The military and naval service of His Majesty, both in their commissioned and non-commissioned ranks, should be thrown open to Indians and adequate provision should be made for their selection, training, and instruction in India.

Commissions in the Army.

Volunteering.

2. Indians should be allowed to enlist as volunteers.

Separation of judicial and executive functions.

3. Executive Officers in India shall have no judicial powers entrusted to them, and the judiciary in every province shall be placed under the highest Court of that province.

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III

A LETTER TO THE HON. BABU BHUPENDRA NATH BASU

(An Experiment in the application of the Principle of Dyarchy to the Government of the United Provinces)

PREFATORY NOTE[1]

The study of Indian conditions contained in this pamphlet has been compiled in order to obtain the considered criticism of friends with whom I have discussed the subject with which it deals. I should be glad if corrections and criticisms can be noted on the blank pages opposite the text to which they refer *in clearly legible writing*.

The criticism need not be signed. If signed I shall treat the signature as absolutely confidential. Where the criticism is unsigned, I should be glad if the writer would describe himself in general terms, stating—

(1) Whether he is a European or an Indian.

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In working out my final results I should like to be free to quote these descriptions, if I have occasion to quote an opinion; but critics will kindly state if they do not wish this to be done. If, however, I quote an opinion in no case shall I reveal the identity of the author, where that identity is made known to me. These conditions will, I think, enable criticism to be given without reserve.

Kindly forward your criticisms at your earliest convenience to the undersigned—

LIONEL CURTIS,

c/o Messrs. A. H. Wheeler & Co.,

15 Elgin Road,

Allahabad.

[1] Also printed on the covers of papers IV, V, and VI as originally circulated in India.

III

A LETTER TO THE HON. BABU BHUPENDRA NATH BASU

(An Experiment in the application of the Principle of Dyarchy to the Government of the United Provinces)

PREFATORY NOTE[1]

The study of Indian conditions contained in this pamphlet has been compiled in order to obtain the considered criticism of friends with whom I have discussed the subject with which it deals. I should be glad if corrections and criticisms can be noted on the blank pages opposite the text to which they refer *in clearly legible writing*.

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EMILY COTTAGE,
NAINI TAL, U.P.
April 6, 1917.

To

THE HON. BABU BHUPENDRA NATH BASU,
TEMPLE CHAMBERS, CALCUTTA.

DEAR MR. BHUPENDRA NATH BASU,

§ 1. With reference to the last paragraph in your letter of March 29, let me say that the subject which I am trying to study is the relation of India to the rest of the Empire—the place which India ought to occupy in a reconstructed Commonwealth after the war. I began, as you know, by studying the relations of the self-governing Dominions to the rest of the Commonwealth and have published certain conclusions on the subject. This part of the problem is comparatively simple because the Dominions are, so far as their national affairs are concerned, like separate clocks each with their own mainspring in themselves. It is possible, therefore, to consider their future place in the larger mechanism of the whole Commonwealth without reference to any changes in their own internal structure. India, on the other hand, has not as yet attained this domestic independence, though there are an increasing number of Indians who desire to attain it. At present the mainspring of your domestic government is closely connected and, in fact, identical with the mainspring which works the mechanism of the Commonwealth as a whole. This mainspring is the Imperial Parliament. Hence it is impossible to study any change in the mechanism of the Imperial Government without reference to the effect that such changes would have on the internal government of India. Herein lies the greatest difficulty which the student of the subject has to face.

§ 2. It is important to note, however, that the converse proposition is equally true. You can scarcely afford to consider plans for changing the system of government in India without reference to the external mechanism by which those internal changes must be effected. Have you

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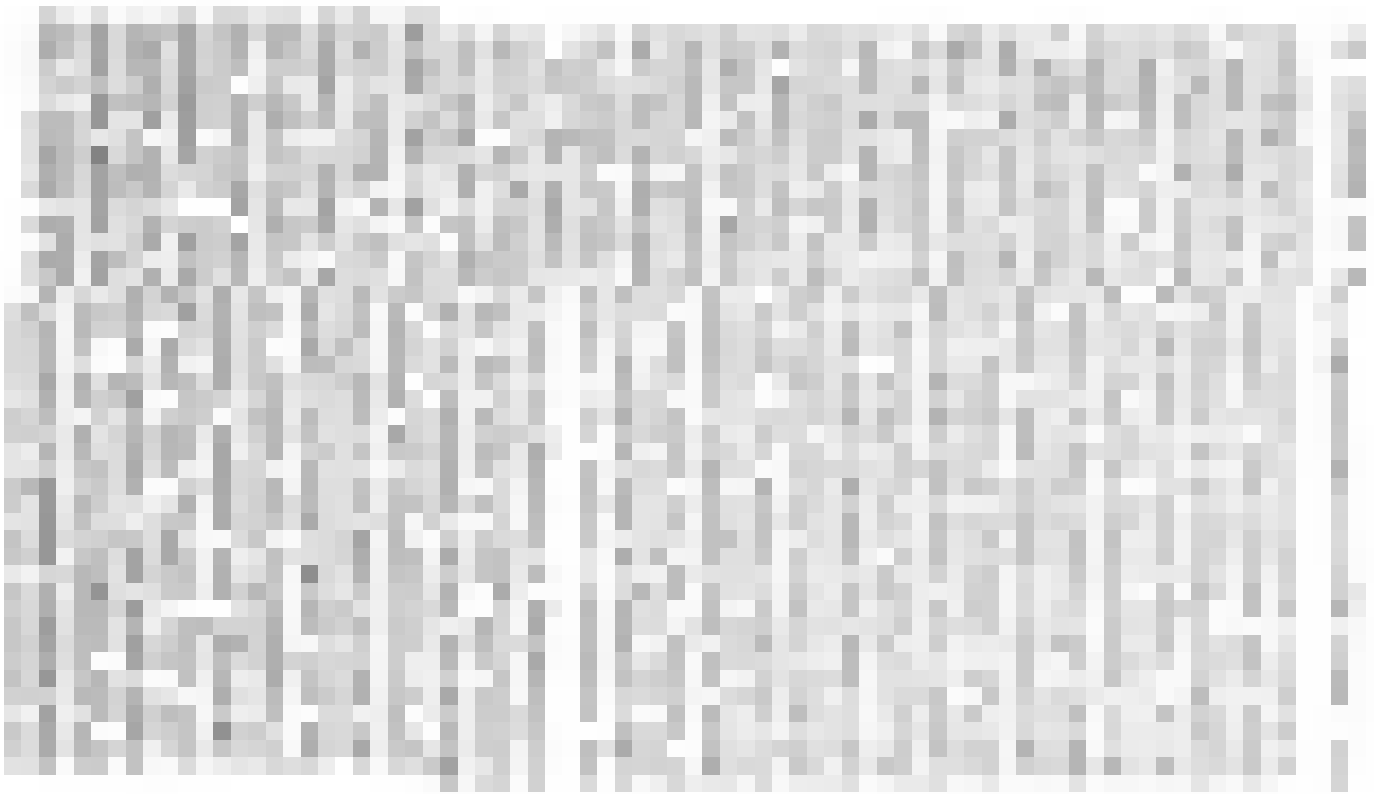
§ 2. It is important to note, however, that the converse proposition is equally true. You can scarcely afford to consider plans for changing the system of government in India without reference to the external mechanism by which those internal changes must be effected. Have you

considered how far this mechanism, as at present constituted, is suitable for your purpose? Most Indians with whom I have talked are conscious of its weakness. They justly complain that since the abolition of the Company Parliament has paid the scantiest attention to Indian affairs. In the Company's days its Charter came up for renewal every twenty years. At these periods the administration of the Company became the subject of direct inquiry, not through a Royal Commission, but by Parliament itself, through a Parliamentary Committee. Such inquiries occupied years, with the result that the Members of Parliament who took part in them obtained a considerable knowledge of Indian affairs. Powerful friends of India, like Burke, were a product of the system and such men were able to develop in England a public opinion and an Indian policy adequate to the needs of the time. It was mainly through this agency that the British mind was gradually educated to the idea that the interests of Indians ought to be the actuating principle of British policy in India. The modern substitutes for these parliamentary committees are inquiries held by such bodies as the Decentralization Commission and the Public Services Commission, upon which but few Members of Parliament find a place. I think you will agree that while the old parliamentary committees had an immense effect on British public opinion, the modern commission has comparatively little.

§ 3. The neglect of India by Members of Parliament for the last two generations is more due to a change of conditions than to any change for the worse in men. The truth is that since the middle of the nineteenth century the growing complication of social and industrial questions in the British Isles has overwhelmed the Imperial Government with business at its doors, which is too great for any one body to handle. If you will glance at countries like America, Germany, Canada, Australia, and South Africa, you will easily see why this is so. America with its population of one hundred millions transacts its business through no less than forty-nine governments, national and provincial; Germany with sixty-eight millions has over thirty such governments; Canada with eight millions has nine; Australia with five millions has seven; and South Africa with six millions has five. The United Kingdom with its forty-five millions has but one, and that Government has also to control interests common to peoples including more than a quarter of the human race, who are scattered over



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the whole surface of the globe. The Imperial Government is thus called upon to transact three different orders of business—

(1) The Imperial business of the whole British Commonwealth.
(2) The national affairs of the British Isles.
(3) The provincial affairs of England, Wales, Scotland, and Ireland.

§ 4. Inevitably Parliament attends first to the interests of the British electorate upon whose will it depends. Imperial affairs receive but scanty attention and those of India the least of all. The result is that the Imperial Government and public opinion in England has scarcely travelled beyond the policy chartered in 1858—the policy of governing India for the sake of the Indians, a policy sufficient for that day only. Public opinion in England has never consciously risen to the idea of enabling India to govern herself. By this I mean that these ideals have never been explicitly proposed and adopted by Parliament and given as instructions to its servants in India. It is not the fault of the Civil Servants that they are still acting on the instructions and traditions of 1858, because they have had no other general instructions since.

§ 5. I know that you agree with me that the outstanding need of the moment is that the principle of enabling India to govern herself should now be chartered in a form at least as binding and as explicit as the Proclamation of 1858. I believe that public opinion in England is almost ripe and can quickly be ripened to the point. Personally I believe that, if you could take a plebiscite on the subject in England now, the majority of voters would endorse the principle of self-government as the goal of British policy in India. But as things are it is almost impossible to get that issue clearly before the electorate of the United Kingdom, because at a general election they are preoccupied by their own affairs. There are too many issues before them at each election, and those nearest home tend to obscure the rest. And this must always be so, while a general election for the Imperial Parliament decides the domestic policy of the United Kingdom as well. It would cease to be so if once the Imperial Parliament were divested of all responsibility for the domestic affairs of the British Isles and had no more to do with them than it now has with those of Canada and Australia. But this could only be done by creating for the British Isles a separate national government

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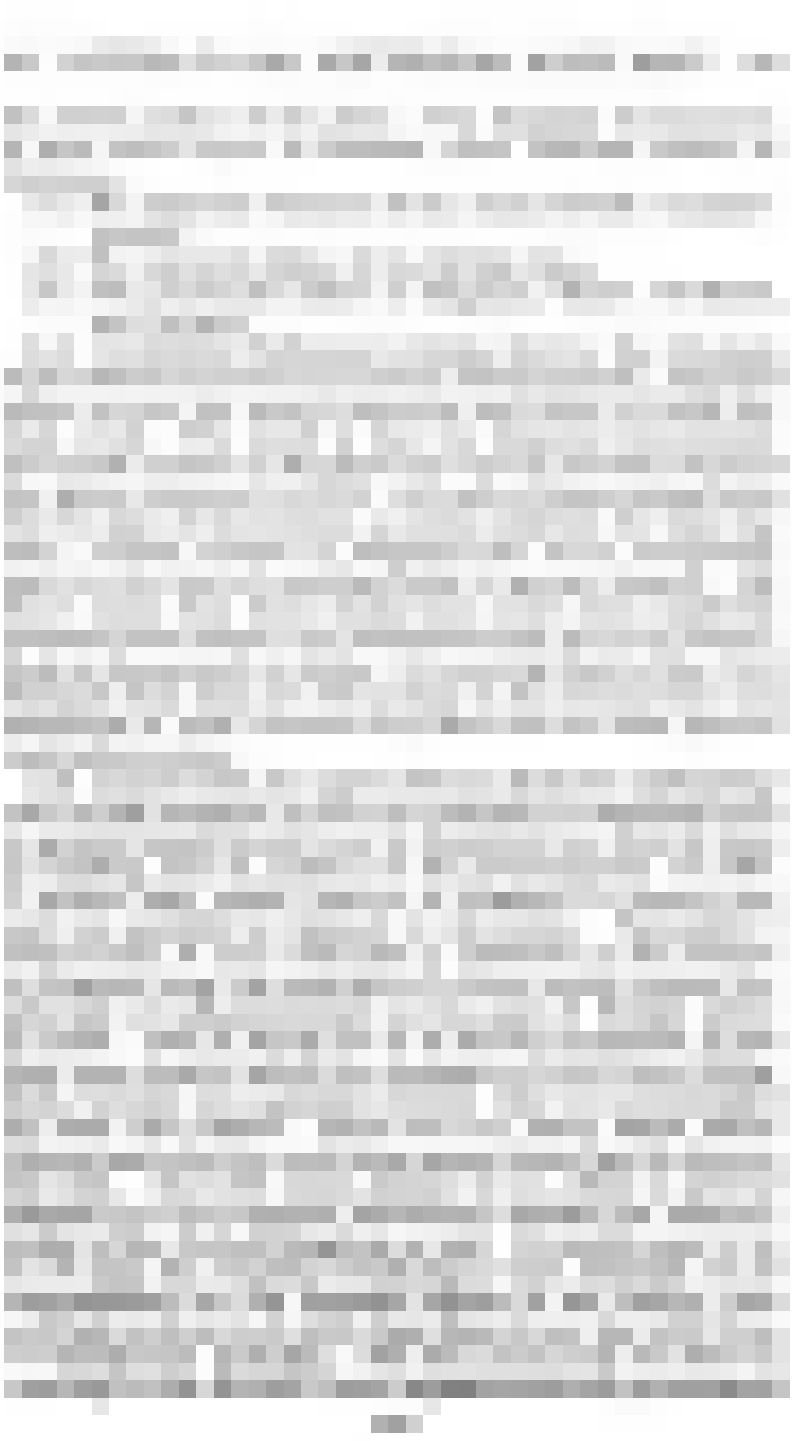

of their own, similar to that which exists in the self-governing Dominions.

§ 6. The moment this change was effected the Imperial Parliament would have time once more to deal with Indian affairs. Its members would be able, as of old, to hold inquiries. Under modern conditions, these inquiries could be held, not merely in London, but also in India. In the absence of British issues, elections to the Imperial Parliament would be able to turn on Indian issues. The Imperial Parliament, moreover, would then include representatives from countries other than the British Isles, and, as I hope and believe, from India itself. If once you had Indian representatives on the Imperial Parliament, that Parliament would be obliged to attend to Indian affairs.

§ 7. In *The Problem of the Commonwealth* I have argued that a change like this could not be effected without a written constitution like that of the United States. There is one point in which I think that constitution could be imitated to advantage. It opens with a preamble in which the people of the United States pledge themselves to certain principles of free government. I should like to see the Imperial Constitution open in the same way with a preamble announcing that the Commonwealth exists for the purpose of extending self-government, as rapidly as may be, to all communities included within its circle, of which India is the most populous, more so, in fact, than all the rest put together. Here is a method in which you could enact a charter more binding and more irrevocable than the Proclamation of 1858.

§ 8. Unlike the French, the British people instinctively shrink from committing themselves to statements of general principles. Provided such principles are really sound, their explicit statement is for that very reason more necessary for the British than the French. Our caution in pledging ourselves to such statements is largely due to the fact that our experience has taught us how difficult it is in practice to give effect to general principles. In the Proclamation of 1858, for instance, we committed ourselves to the principle that Indians were entitled to equal rights with all other British citizens throughout the Commonwealth. The implications involved in the development of national self-government with the different parts of the Commonwealth were not then foreseen. The failure of mid-Victorian statesmen to realize this was fruitful in misunderstandings which have led to a serious estrangement between the Dominions and India. National self-government is robbed

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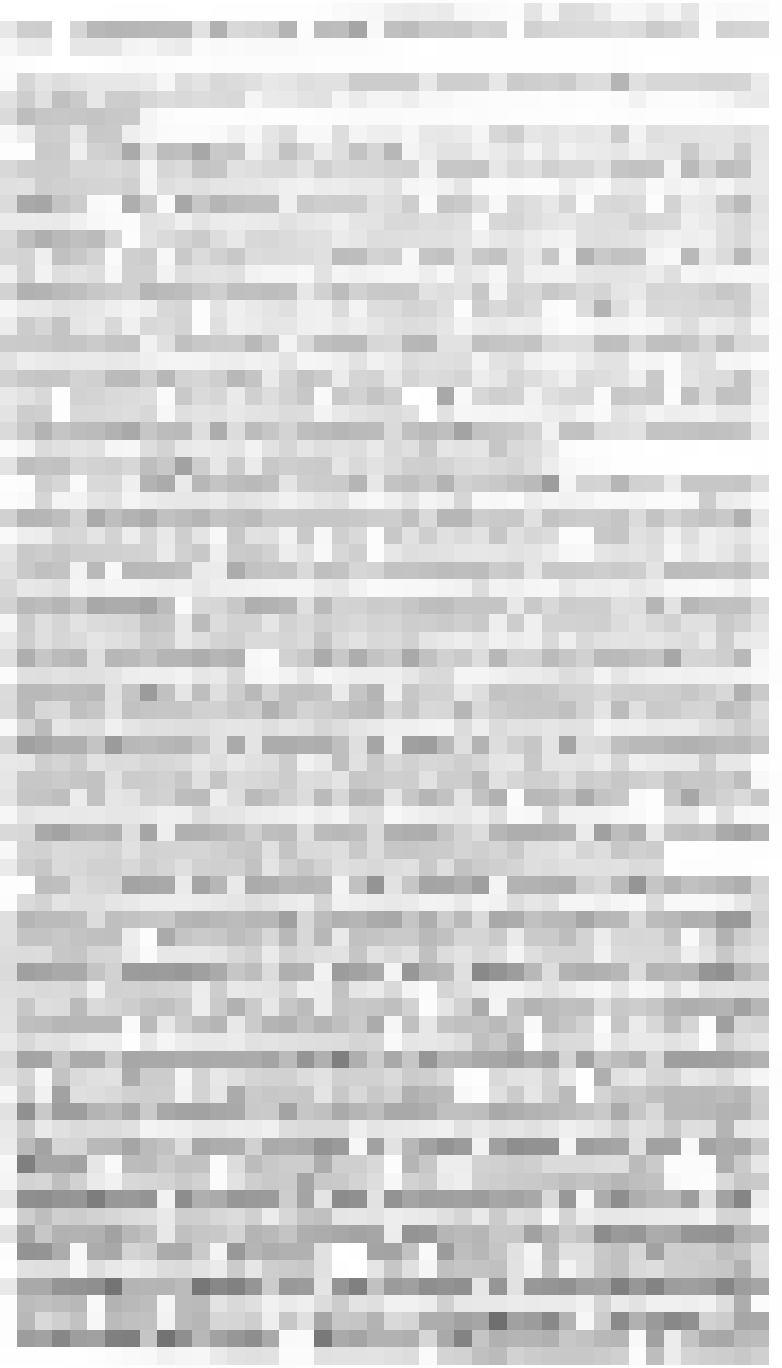

of more than half its content unless the nation is given the power to determine the composition of its own population. But so long as the Government of India was held in trust, the trustees should have applied to India the same policy which the Dominions were applying to themselves. British citizens from each nation incorporated in the Commonwealth should only have been allowed to visit India on the same terms that their own national government accord to Indians in visiting their country. I look forward to a time when India itself will exercise the same power of self-government in internal affairs as the United Kingdom, Canada, Australia, New Zealand, or South Africa. Now suppose that in years to come a flood of European colonists were to begin to pour into Kashmir, or suppose that millions of negroes were to begin to settle in India, I think the Indian Government would be concerned to prevent that immigration. It ought to prevent it, and it would not have real powers of self-government unless it could prevent it. Such a power is, of course, more important to a half-empty country than one so thickly populated as India. Nevertheless, self-government would not be complete in India unless its Government had full powers to control immigration into its own territory. There was a real conflict between the policy embodied in the Proclamation of 1858 and the policy involved in the development of self-government, and that conflict was not foreseen. The charge of bad faith to which it exposes us weighs, I know, in the minds of those who shrink from enunciating the principle of self-government as the goal of British policy in India.

§ 9. There is, however, I submit, an all-important difference between the two cases. When by solemn proclamation we promised equal rights to all British citizens throughout the Commonwealth, we virtually promised to establish those rights at any moment, and wherever they might be demanded ; and that was just what we could not do without going back on the principle of according national self-government to the various parts of the Commonwealth. In proposing to ourselves self-government as the ultimate goal of policy, not only in India, but in all parts of the British Commonwealth, we are doing nothing of the kind. We are merely pledging ourselves to neglect no possible means of approaching that ideal as rapidly as possible. We are only committing ourselves to a permanent line of policy which cannot be revoked, and which will remain binding on all successive Secretaries of State, and above all on the members of the

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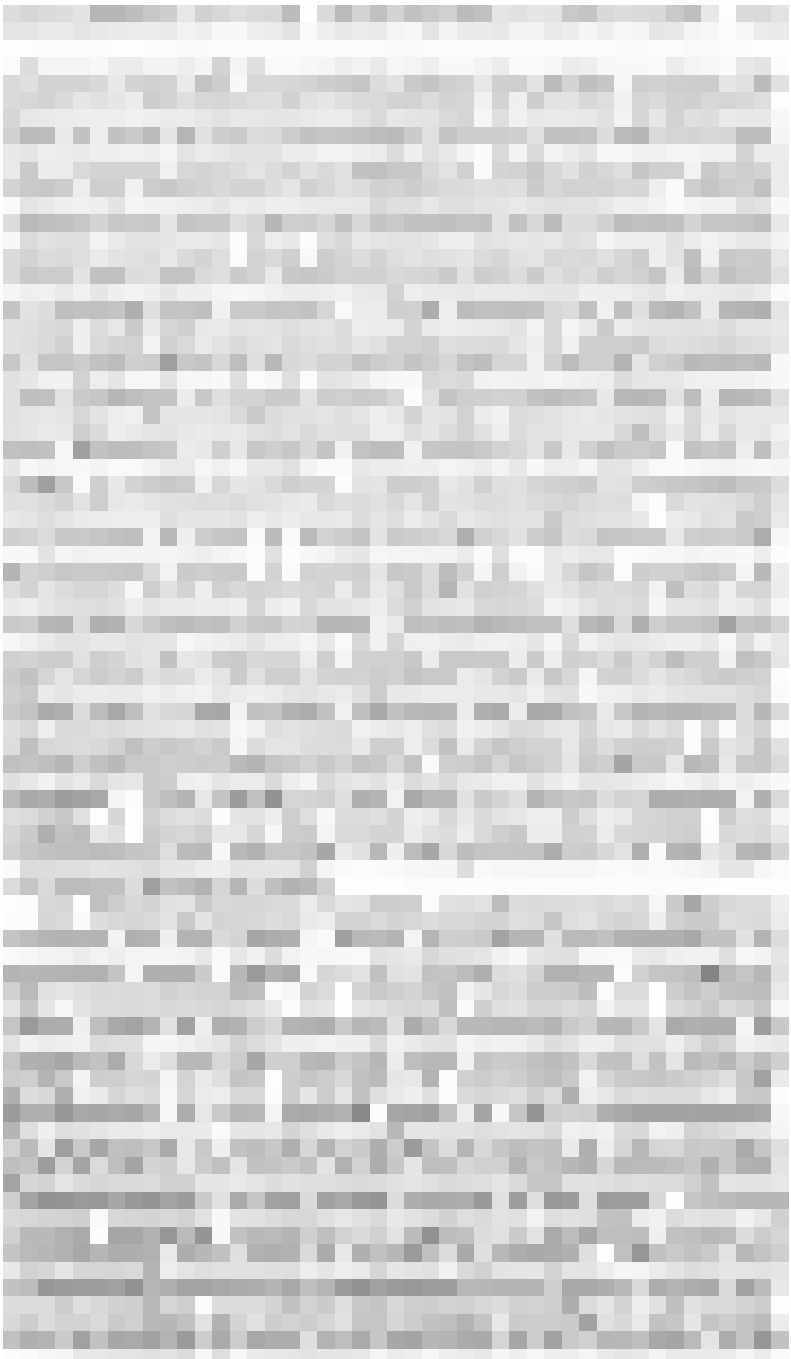
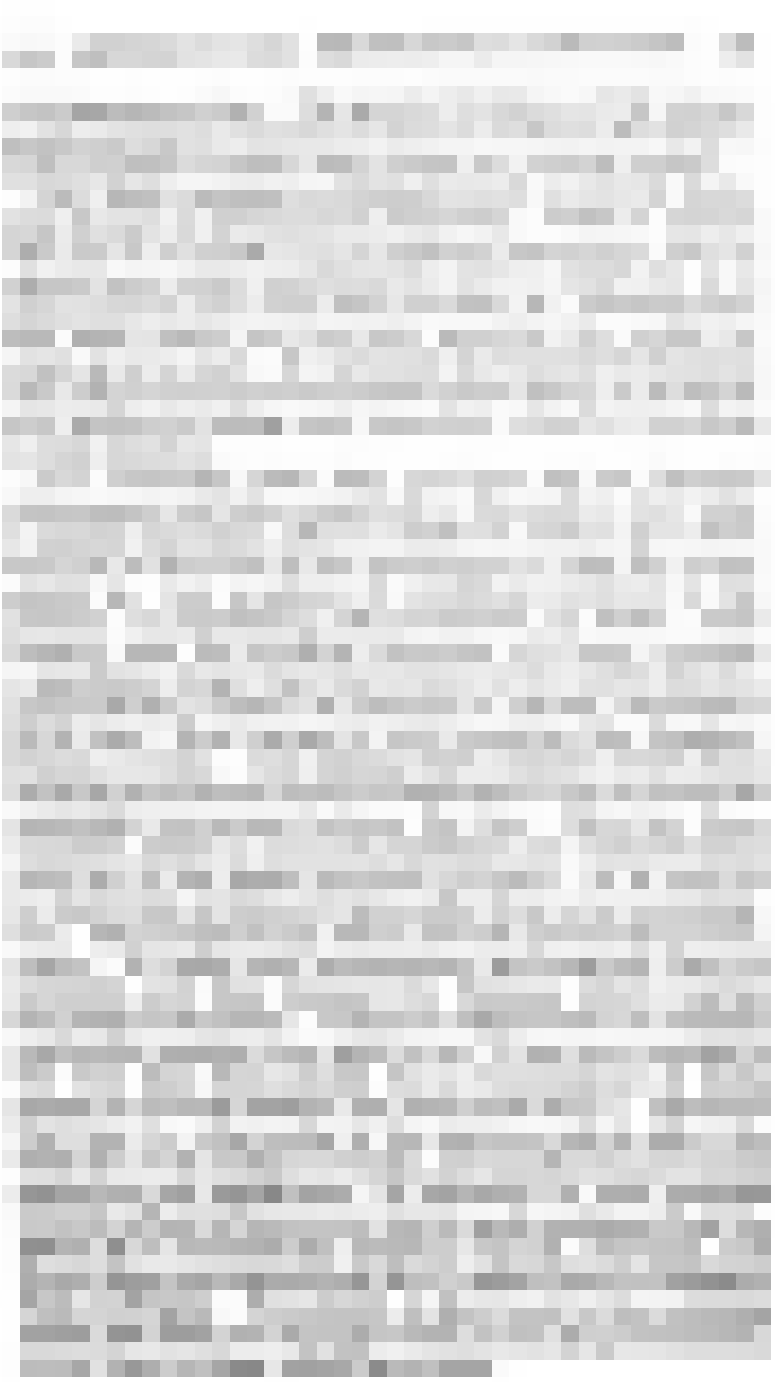


Civil Service out here. The greatest weakness of the present position is that the Civil Service have no orders on the subject, and in matters of policy they cannot act without orders.

§ 10. Such a promise, so bindingly made, is only the beginning though an all-important beginning. When a captain sets out on a voyage, it is of primary importance that he should have orders specifying the port to which he is to steer, however near or far that port may be. Having given him those orders you can next prescribe the course by which he is to steer. If I advocate an Imperial declaration that self-government is the goal of Indian policy, it is merely as a preface to taking some immediate steps for travelling in that direction.

§ 11. Assuming, then, that you have got an Imperial Government not only committed to this policy, but, what is equally important, able to consider it and to give effect to it, let us now turn to the question as to what the course should be. Let us glance at conditions involved in the problem of establishing self-government in India. This country with the doubtful exception of China, contains a population larger than that of any in the world which is geographically capable of achieving a specific nationhood of its own. Now contrast it with countries like England, France, or Italy. I am taking three countries which have national governments, and local authorities, but no *provincial authorities* intervening between the two. Here are three countries, which in area and population are commensurate with one of the larger provinces of India. It is scarcely in doubt that all three of them suffer from over-centralization. They would be far better off with provincial governments. In India such intermediary governments exist of necessity, and they transact the business which touches the people most nearly. In fact an administrator in a highly responsible position once said to me 'I am now coming to the view that there should be no Government of India except for Foreign Affairs, the Army and Navy'. However that may be, nine-tenths of the matters which affect the daily life of the millions of India, are handled by provincial executives and legislatures. If, therefore, in your progress towards self-government you wish to seek guidance from the past it is to countries like America, Canada, Australia, and South Africa you should look for it, rather than to England, Italy, or France. You should, in fact, look to the countries which, like India, are equipped with provincial governments, rather than to those which have none.



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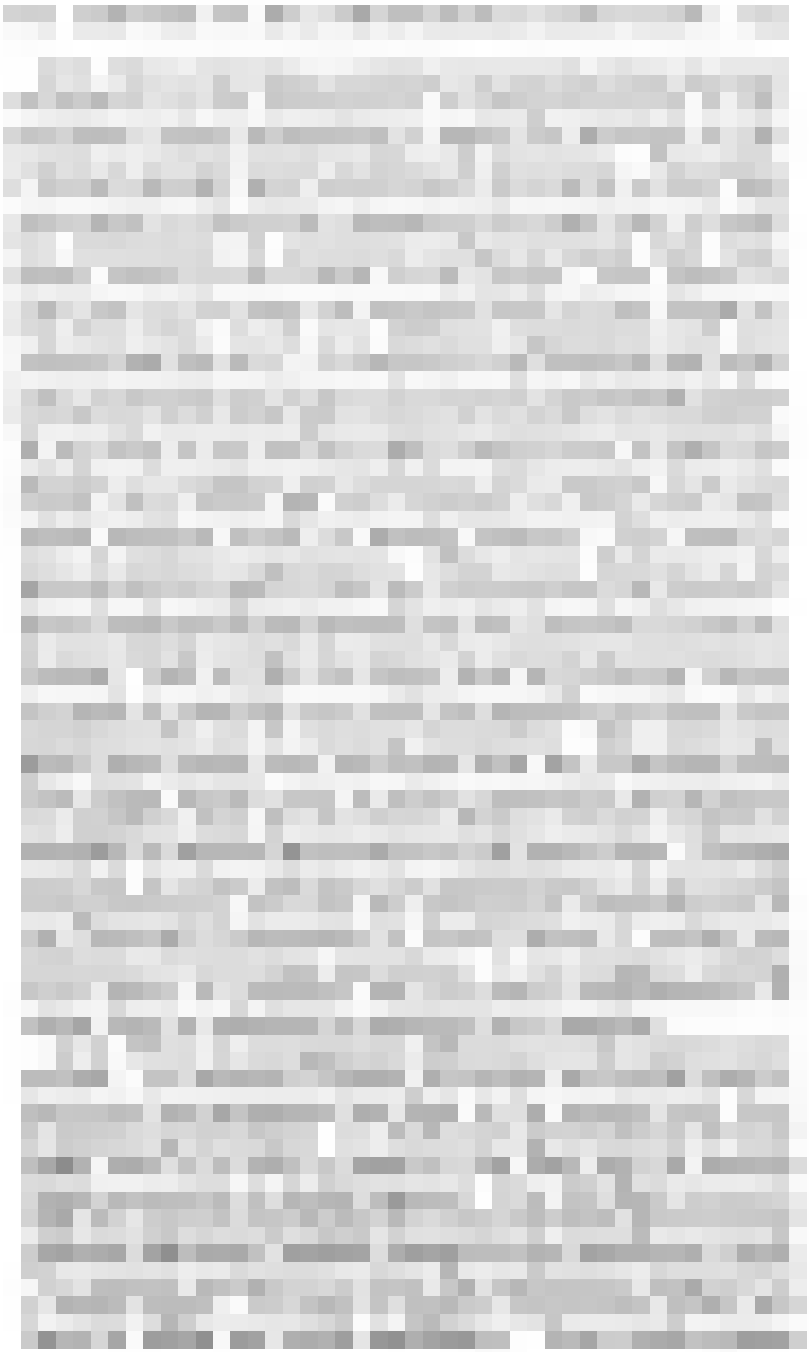
§ 12. Now of all these countries it is true that they devoted themselves to the achievement of self-government in the provinces, before attempting to apply the principle to the nation as a whole which includes the provinces. Personally I doubt whether they would have succeeded if they had attempted to effect both changes at the same time, or until the institutions of provincial self-government had been firmly rooted in the habits of the people. The reason is that men in the mass can scarcely think of two things at the same time. Look at a military organization and you will see that this is so. A company of one hundred men must learn to operate and to move as one unit *instinctively*, before it is of any use to drill eight companies together as a battalion. If you were to try and get eight hundred men to learn the practice of company and battalion drill together from the outset, they would fall into confusion so often that their whole training would be greatly delayed. The same is true of political organization. When Lord Durham in his famous Report eighty years ago recommended the introduction of responsible government into the Canadian Provinces, he saw clearly enough the need of a national government in Canada. But he did not advise that any attempt should be made to establish one until the separate provinces had mastered the art of running themselves. Ten years ago there were people who advocated that the Transvaal and Free State should only be given responsible government on condition that all the South African colonies united to establish a national government at the same time. Having watched at close quarters the establishment of provincial self-government, and also the subsequent establishment of the National Government in South Africa, I realize the difficulty of both these operations. I can imagine nothing more likely to prejudice the successful establishment of either than an attempt to establish both together.

§ 13. There is one apparent difference in the cases I have quoted. In America, Canada, Australia, and South Africa, provincial governments had first to be created and then a national government. In India such governments already exist, and it is only a question you may say of making them answerable to public opinion. You will find, however, that you cannot popularize the control of these governments without effecting a radical change in the mechanism itself. You cannot use petrol to drive the mechanism designed for a steam engine. In order to apply a new motive power you have to revise the whole machinery. Your whole system



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§ 13. There is one apparent difference in the cases I have quoted. In America, Canada, Australia, and South Africa, provincial governments had first to be created and then a national government. In India such governments already exist, and it is only a question you may say of making them answerable to public opinion. You will find, however, that you cannot popularize the control of these governments without effecting a radical change in the mechanism itself. You cannot use petrol to drive the mechanism designed for a steam engine. In order to apply a new motive power you have to revise the whole machinery. Your whole system

of administration, inherited as it was from the Mughal Empire, was conceived from the outset as the instrument of an autocracy. Under British rule it has been throughout developed on the principle that the impulse which moves it is to be applied from outside India. The Government of India is to obey the Secretary of State: the Provincial Governments are to obey the Government of India. Some municipal bodies with executives of their own are the only faint beginnings of a system designed to be driven by internal combustion. The whole position is succinctly set forth in the following extract from the Report of the Decentralization Commission.

The present distribution of functions between the Government of India, also styled the Central or Supreme Government, and the Provincial or Local Governments and Administrations is, stated generally, as follows:—Amongst the important matters which the former retain in their own hands are those relating to foreign affairs, the defences of the country, general taxation, currency, debt, tariffs, posts and telegraphs, railways, and accounts and auditing. Ordinary internal administration, police, civil and criminal justice, prisons, the assessment and collection of the revenues, education, medical and sanitary arrangements, irrigation, buildings and roads, forests, and the control over municipal and rural boards fall to the share of the Provincial Governments. But even in these matters the Government of India exercise a general and constant control. They lay down lines of general policy, and test their application from the administration reports and returns relating to the main departments under the Local Governments.[1] They also employ expert officers to inspect and advise upon a number of departments which are primarily administered by the Local Governments, including Agriculture, Irrigation, Forests, Medical, Sanitation, Education, Excise and Salt, Printing and Stationery, and Archaeology. These officers are commonly known as Imperial Inspectors-General.

The control of the Government of India is, moreover, not confined to the prescription of policy and to action taken upon reports and inspections. It assumes more specific forms. They scrutinize, and, when necessary, modify the annual budgets of the Local Governments. Every newly-created appointment of importance, every large addition even to minor establishments, every material alteration in service grades, has to receive their specific approval, and in many cases, reference to the Secretary of State is likewise necessary. The practical result is that no new departure in Provincial administration can be undertaken without their preliminary sanction or, in important matters, without that of the Secretary of State also. Moreover, the general conditions of Government service, such as

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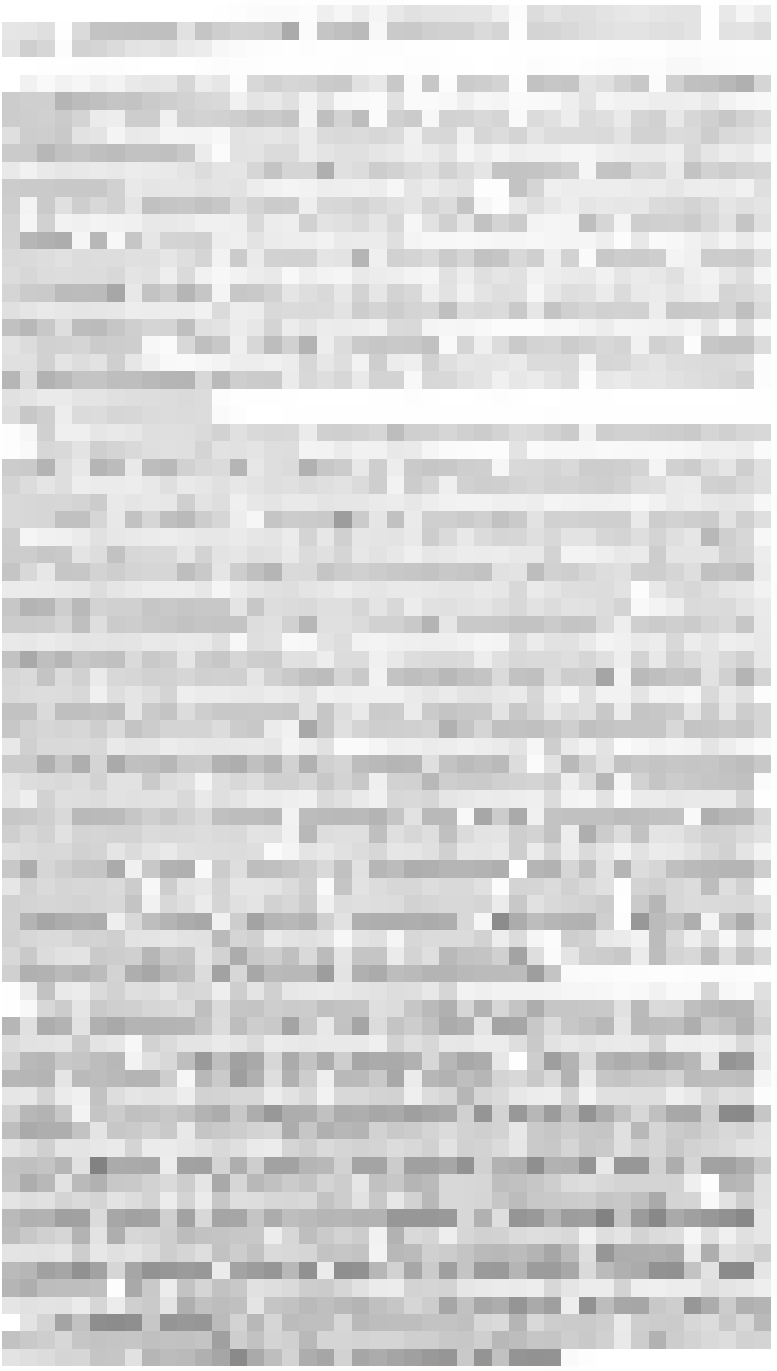

leave, pension, and travelling allowance rules, and the Public Works and Forest Codes, are all strictly prescribed by the Central Government, either *suo motu* or on instruction from the Secretary of State. Lastly, there is a wide field of appeal to the Government of India, as also to the Secretary of State, from persons who may deem themselves aggrieved by the action of a Local Government.

The essential point to be borne in mind is thus that at present, even in matters primarily assigned to the Provincial Governments, these act as the agents of the Government of India, who exercise a very full and constant check over their proceedings.[1]

§ 14. In so far as you introduce any real self-government into the provinces these simple relations of subordinate to superior authorities must be changed. Orders can be given from above to provincial officials, who are there to take orders from above. But orders cannot be given from above to a popular government which by the law of its being obeys the impulse it receives from below. You can give limited powers to provincial assemblies, you can restrict those powers as you will; but within the limit of those powers such assemblies must exercise absolute freedom of choice. Popular government in any country too large to dispense with provinces, in fact, means that at least two governments must exist and operate side by side in immediate independence of each other correlated only by the terms of the constitution. In a Canadian Province, for instance, you may see the establishments of the post office and of the agricultural department working on these lines. The postal officials derive their instructions from the National Assembly at Ottawa, the Agricultural officials from the provincial assembly at Toronto, Quebec, or Winnipeg. Self-government in any large country thus involves the operation of two authorities with separate mainsprings side by side. The word 'dyarchy', compounded of the Greek words signifying 'two' and 'government', has been coined to denote this principle and for convenience I shall use it. Dyarchy is so foreign to military and bureaucratic conceptions, that the officers of such organizations are apt to suppose that the thing cannot exist.

§ 15. In order that two governments may be capable of operating in the same area, you must make the duties assigned to each as clear as possible in a constitution which may consist of one or of many enactments. You must distinguish the functions of the two governments and make

[1] *Report of the Royal Commission upon Decentralization in India*, vol. i, pp. 20 and 21.

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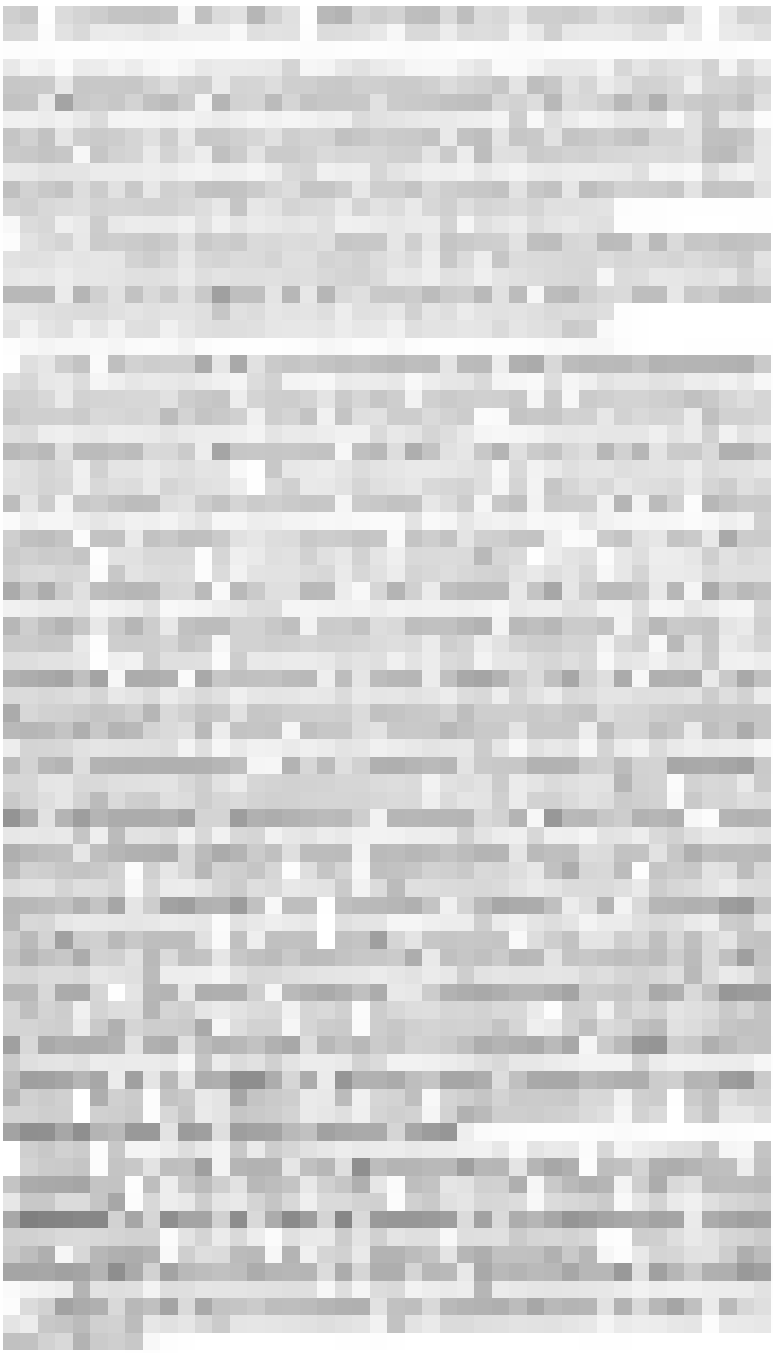

the distinction as plain as you can. Now the potential functions of government are infinite in number, while the actual functions constantly increase as the needs of society increase. You would never succeed in drawing out two final lists of functions, one comprising all the things which the national government is to do, and the other all the things which the provincial governments are to do. So you give a list of specified things to one of those governments. You may enlarge that list as you like from time to time; but you provide that all the things which at any given time are not on that list fall within the sphere of the other government.

§ 16. To bring matters to a fine point: if you are to introduce any real element of self-government into your provincial institutions, you must have a list of functions, however short, which the Central Government may not touch so long as they remain on that list.

§ 17. In India nothing of the sort has been done. There is nothing within the powers of a provincial government which the Government of India may not touch, and scarcely anything which it does not touch from time to time. But there is more in it than this. One finds oneself wondering whether any serious attempt has ever been made to distinguish the things which belong to the parts, from those which belong to the whole, to think out the principles upon which that distinction should be based, or to bring the cases which arise to the test of those principles. In books on India one reads a great deal of the infinite diversity of its peoples, a diversity which in some respects is greater than that between any two nations in Europe. But if so, how can it be right to apply one criminal code to the whole country? In the Punjab one is told that offences against the law of marriage are the commonest cause of murder and serious crime. Madras, on the other hand, is but little troubled by this factor. Is it really sound then that the Government of the Punjab should not be free within limits to mould its own criminal law to suit its own conditions? The other day the Viceroy's Council passed a bill dealing with one form of cruelty to animals. If, as I am told, this particular crime is practically confined to one province, why was the matter dealt with by the National Legislature? Then the Patna and Dacca universities were discussed; and finally the member for Burmah asked the Government of India to deal with the question of a Burmese University. Why did no one suggest that there was anything strange in asking the Government of India to deal with the University of

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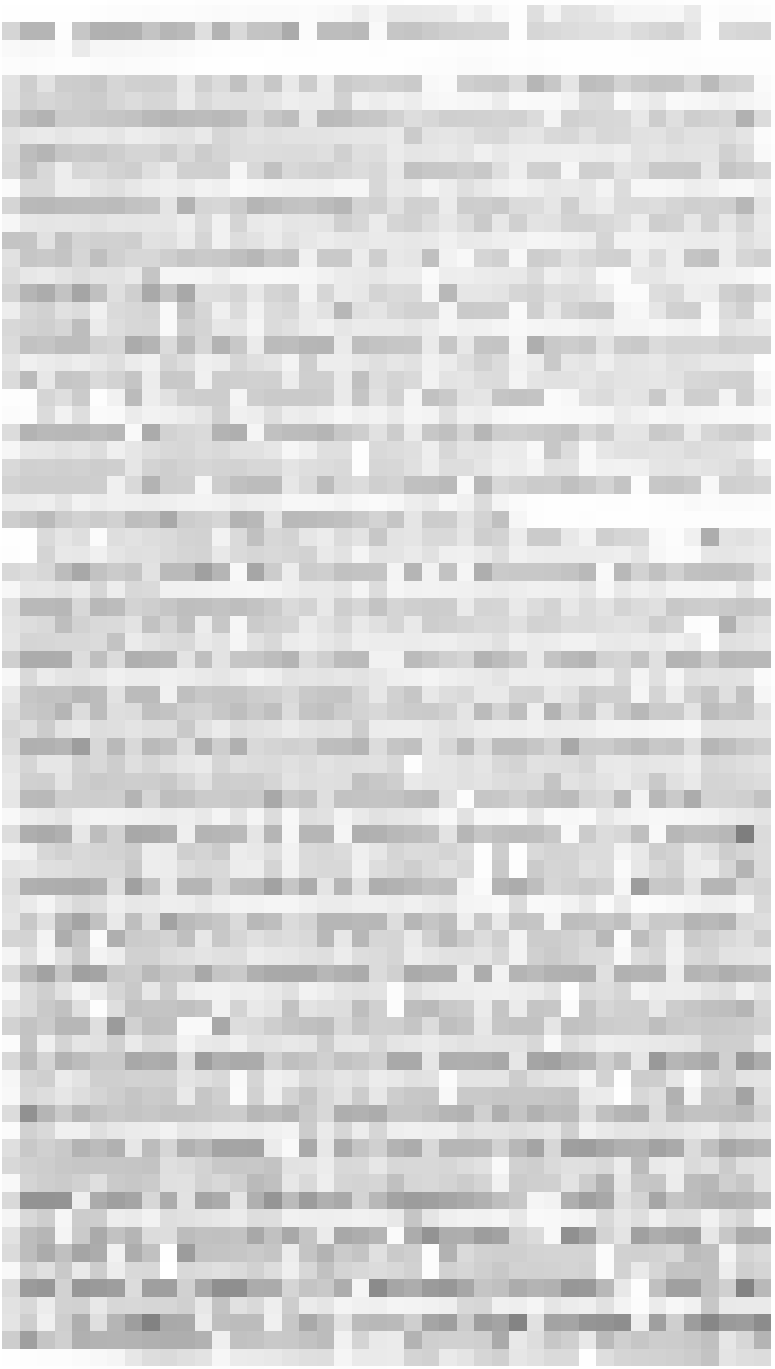
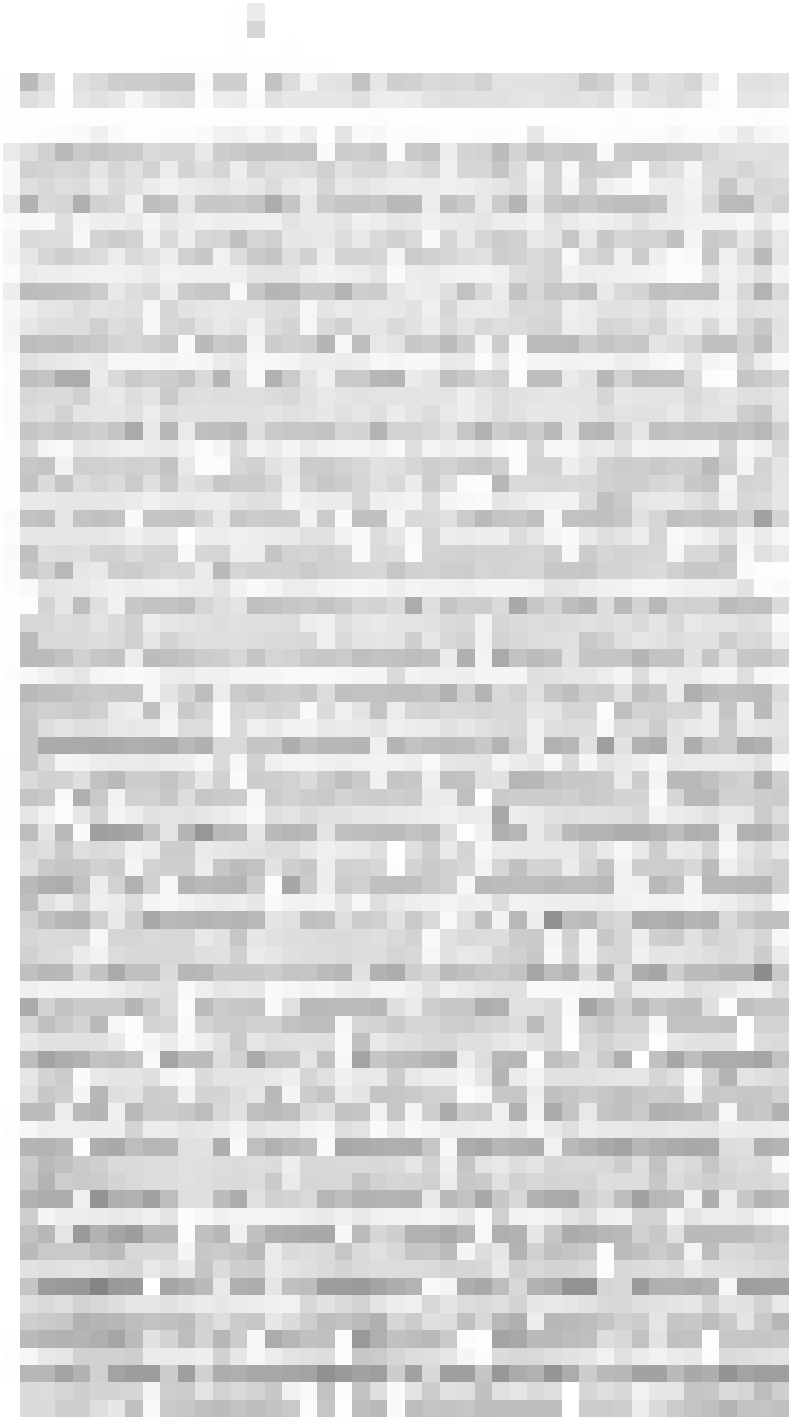


a province so detached that one sometimes wonders if it should have been incorporated in India at all? In saying all this I am probably exposing my own ignorance; but if so, I want to expose it in order to learn by getting you to correct me and explain why these things are so. In the absence of such explanation I am drifting towards the conclusion that in this vast and diversified country, no real attempt has been made to evolve a distinction between things provincial and things which are national. For despite all this diversity you have only to look at the map to see that in India proper there is national unity underlying the diversity. You cannot eliminate the Government of India as John Bright wished to do. But I suggest that you can and must evolve a list of matters which provincial governments can regulate for themselves, subject only to such a veto by the Governor-General as exists in Canada.

§ 18. Indeed, I would go so far as to say that your so-called provincial governments are scarcely deserving of the name. They are merely the Government of India operating in the provinces. One curious manifestation of this is the peculiar position of the I.C.S. in the Provinces (see *Report of the Decentralization Commission*, sections 31, 34, 38, 39, and 40). The members of this corps are still expected to supervise all the executive departments of government, although to a lesser degree than formerly. The Commissioner and Collector still supervise and report upon the schools, the police, the forests, the irrigation department, the Public Works Department, and so on. In a great measure the I.C.S. remains the Government of India in the Provinces. This simply will not work under any system of real popular government which operates through a parliament and cabinet. In responsible government the unity which an executive must have is provided, not by the permanent civil service, but by the cabinet. The permanent officers are all grouped under one or other of the ministers, and any matters at issue between various departments are threshed out between ministers in the secrecy of the cabinet. The minister who is overruled must either resign or else be prepared not merely to accept the cabinet's decision, but even to justify to the public a decision which he has contested with his colleagues. The system implies that ministers stand on a footing of virtual equality under the leadership of the Prime Minister. Members of the I.C.S. would have to be answerable to one minister whose position would be intolerable if his subordinates were constantly



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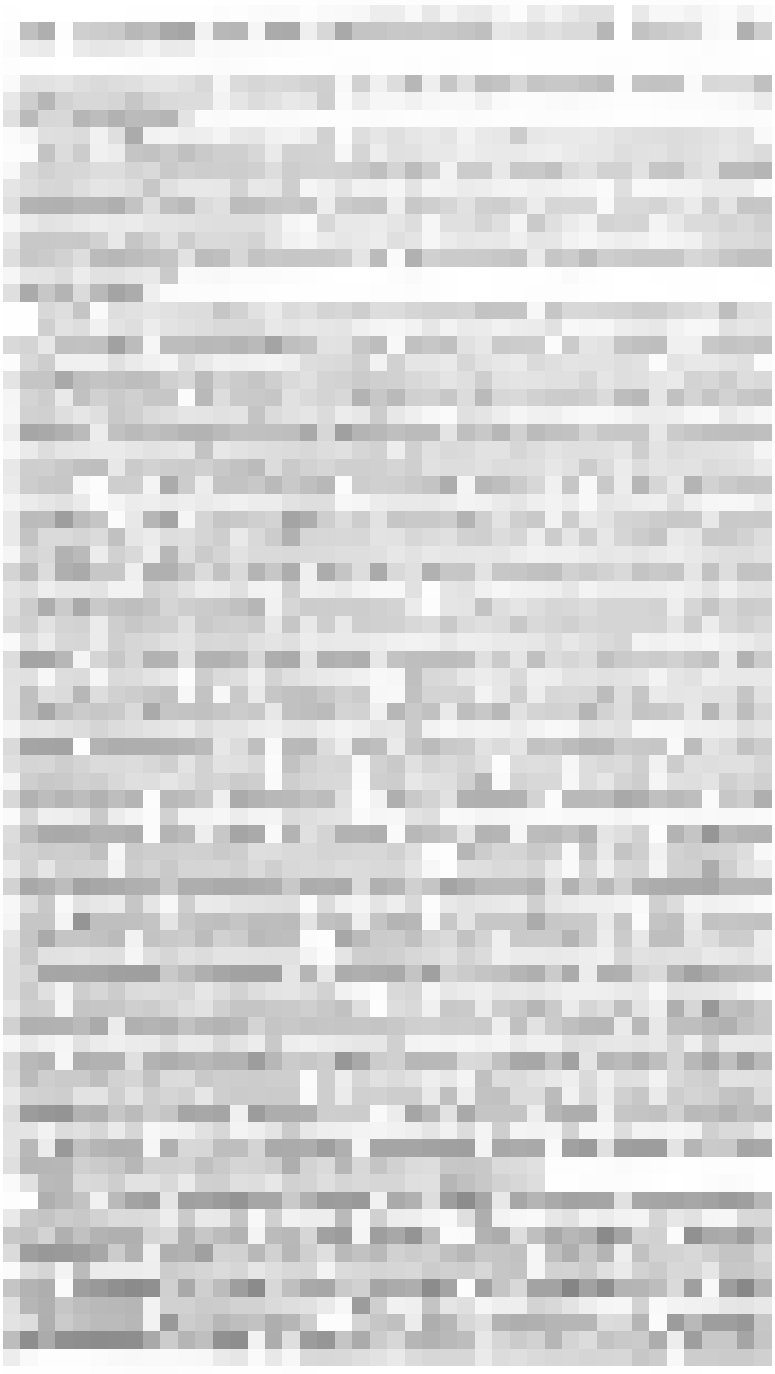
supervising and reporting on the departmental work of all his colleagues.

§ 19. The general result is that in order to popularize the control of provincial governments you must not only draw horizontal lines dividing their functions from those of the national government; but you must also draw vertical lines dividing the functions of provincial departments from each other.

§ 20. In travelling towards responsible government there is another consideration you must hold in mind, which differentiates the case of India from that of America, Canada, and Australia, though in a slighter degree from that of South Africa. The people of the American, Australian, and Canadian colonies were all approximately at the same stage of advancement. In the Provinces of India there is a far greater variety. Am I not right in thinking that in Bombay and Bengal the people sufficiently conversant with public affairs to take a part in them are far more numerous than in the Central and Frontier Provinces? If so, your system should be one which admits of each Province advancing at its own pace. If you apply the same system to all of them you are on the horns of a dilemma. Either the progress of your advanced Provinces must be kept down to the pace of the most backward, or you will have a breakdown in the backward Provinces which will bring your whole forward movement into disrepute. Any definite breakdown will strengthen the case of those who are averse to progress towards responsible government. Disorder is like plague; the infection spreading from one community to its neighbours will greatly complicate the task of ministers in the more advanced communities. Happily the reverse is also true. Unhampered progress in advanced Provinces will influence the backward communities. If you desire your progress towards responsible government to be as rapid as possible you have everything to gain from a system which allows each Province freedom to move as fast as it can without waiting for those behind it. You don't want your march to proceed on the military principle that the pace of the army must be that of the slowest regiment.

§ 21. And whatever steps you take towards responsible government should be real steps. The criticism I should venture to make of the various schemes which have been put forward is that they provide no instalment of real responsible government. The first condition of popular government is that a definite section of the people should



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aspire to achieve for themselves a better life not only in things material but in things spiritual. A few leaders must then formulate plans for realizing these vague aspirations in practice. In response to the vague aspiration for improved education, leaders must formulate schemes for training more teachers, building more schools, &c. But in offering to execute those plans they must also insist that the people at large must bear the cost, and bear it before the benefit is reaped and experienced. And when this is done the plans will often prove disappointing in their results. Other leaders will arise who will argue that many mistakes have been made and that they, in the light of experience, if given the power, can do things in a better way. In the long run the electorate can only test the value of the various leaders and their views by trial, that is to say by dismissing one government and by putting another in office. The trustiest leaders in the long run will prove to be those who can induce the electorate to face the heaviest immediate sacrifice for the sake of a future benefit to be reaped by their successors rather than themselves. In order to realize these conditions your constitution must be one which makes it perfectly clear where responsibility for success or failure lies. In a government half appointed and half elected you could never know this. It is only when governments stand or fall together under the leadership of one man that a people really learn which leaders to trust and which to avoid.

§ 22. To formulate principles with which no one can quarrel is fatally easy when you are writing of government. The only real test of their practical value is first to see whether you can formulate them into a scheme, secondly, to see whether that scheme will draft into legal shape, and thirdly, to see how the law so framed will work in actual practice.

§ 23. I will now go so far as to submit the principles I have suggested to the first test, of seeing whether I can suggest a scheme which looks as if it would enable these principles to be realized in practice. I shall do this in order to elicit your criticism. I will ask you, however, to look at the scheme as a whole before making criticisms on any part of it.

§ 24. The first step I would suggest is to get rid of the official vote altogether off the Provincial Legislative Council. The reason for having these voters under the direct orders of Government is plain. At present the Provincial Government is responsible to the Government of India; the Government of India is responsible to the Secretary of State, and the Secretary of State to Parliament. The Secretary

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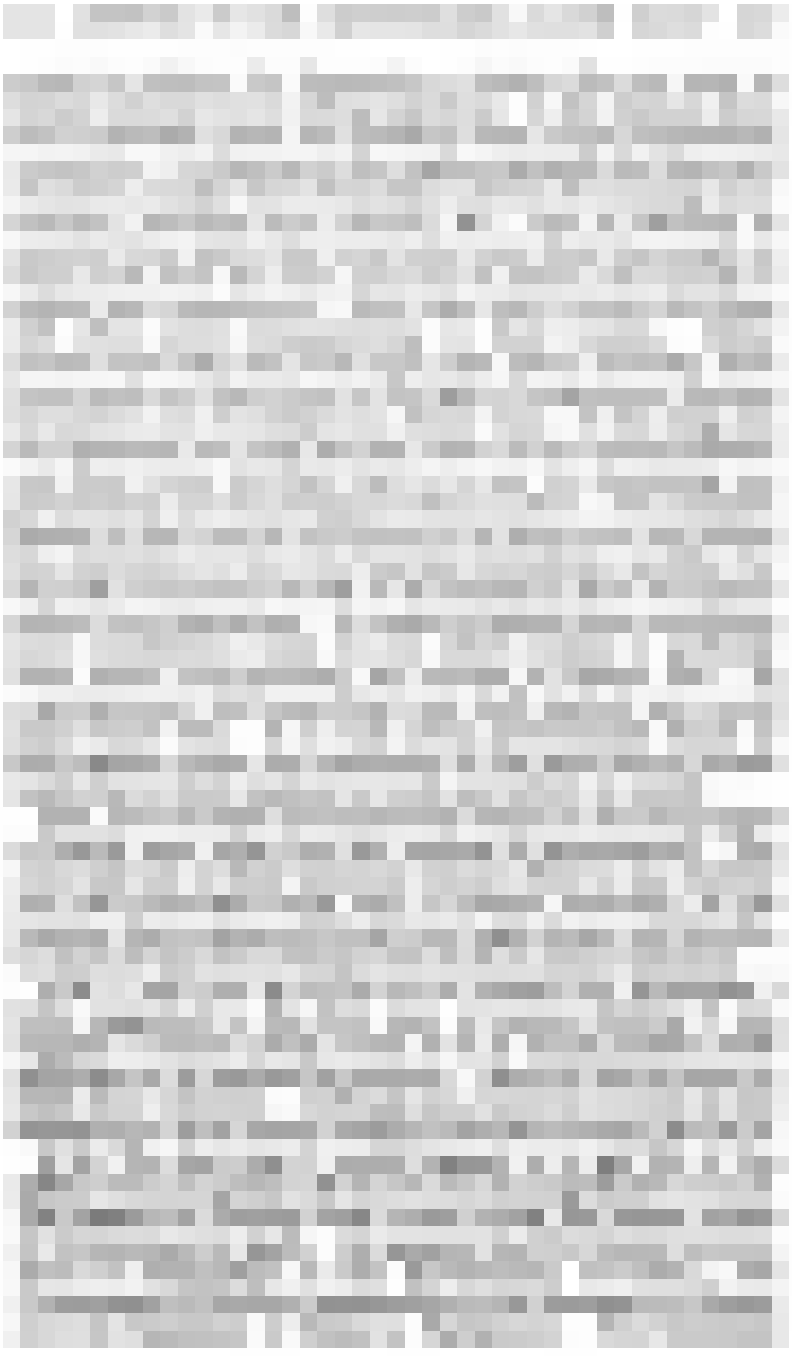

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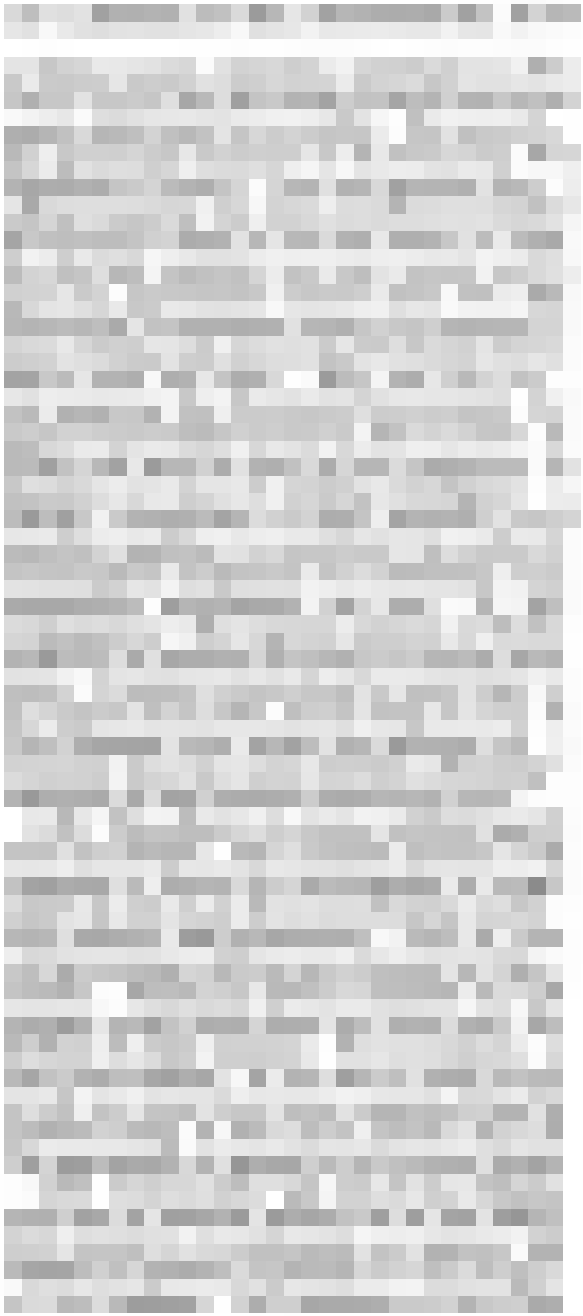

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§ 29. Before doing so, however, I would urge that your Councils should be made responsible to a clearly defined electorate, however small that electorate may be. At present this has been done only in the case of the Mohammedan minority. The majority are elected by district boards and municipal councils. With reference to this system there are two questions that I want to put.

(1) Why cannot the voters who elect local authorities be allowed to elect the provincial councillors ?

The answer can only be that many of them are not qualified to record their judgement upon provincial affairs. Accepting that answer for a moment, I have another question to put.

(2) Are the members of local authorities the only people fit to vote for provincial councillors ?

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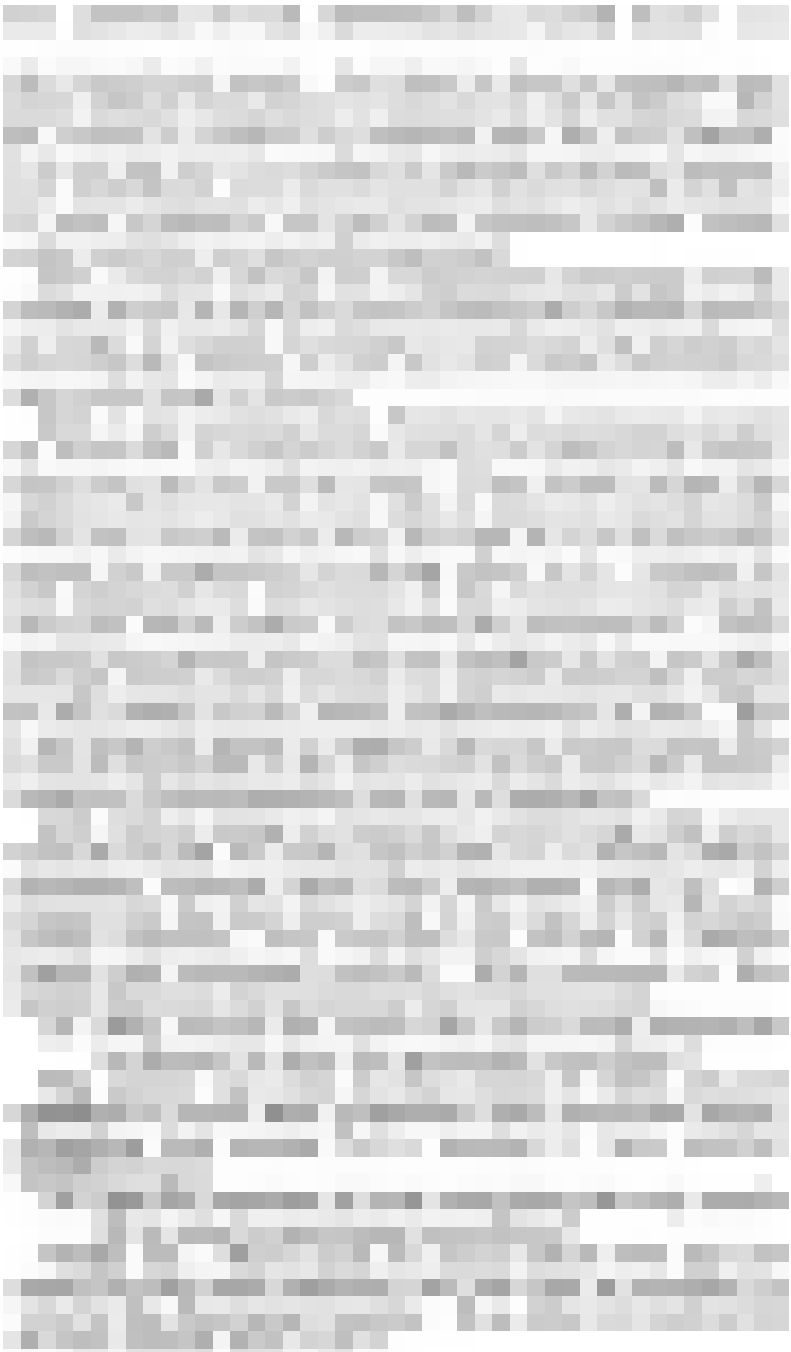

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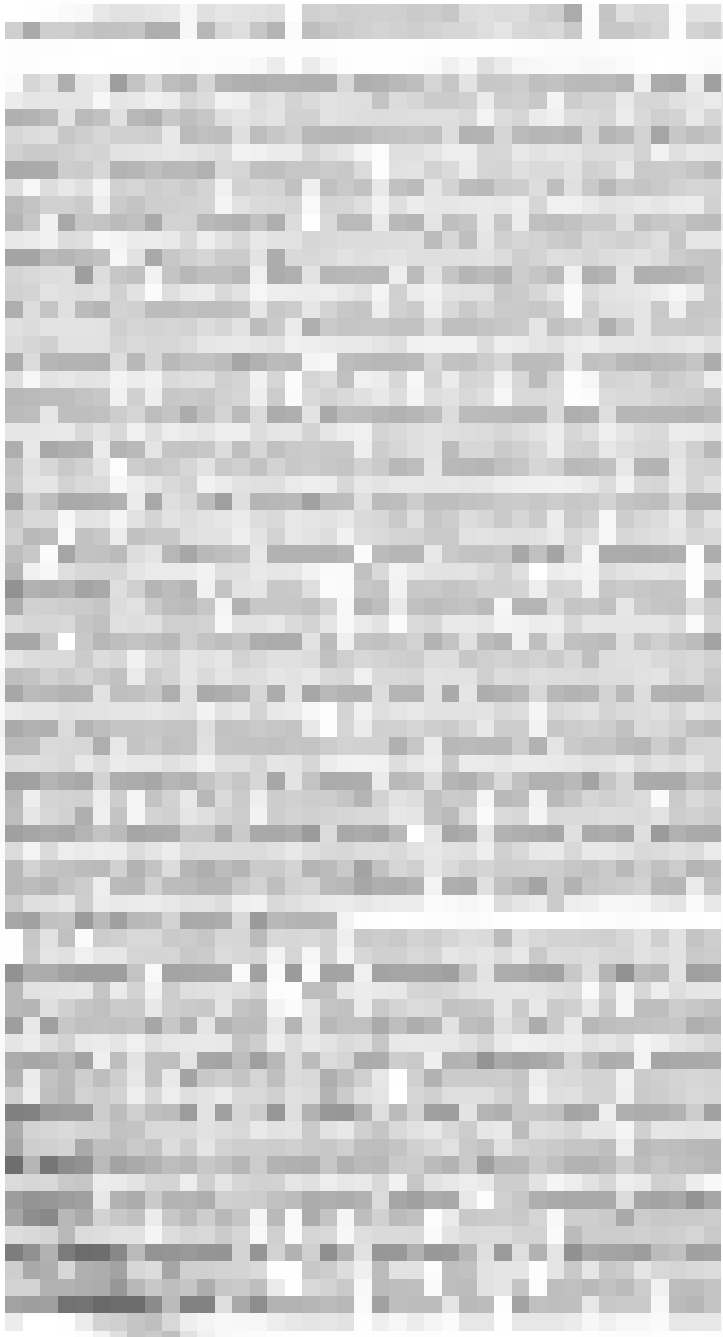

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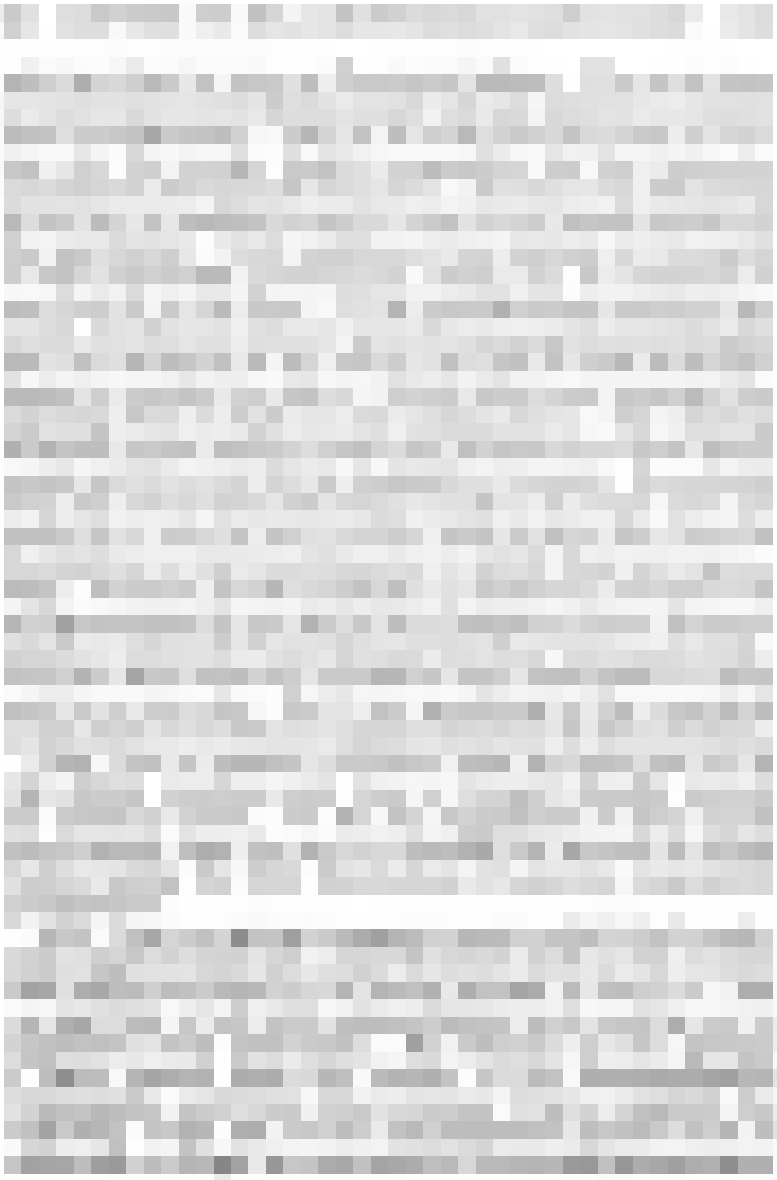

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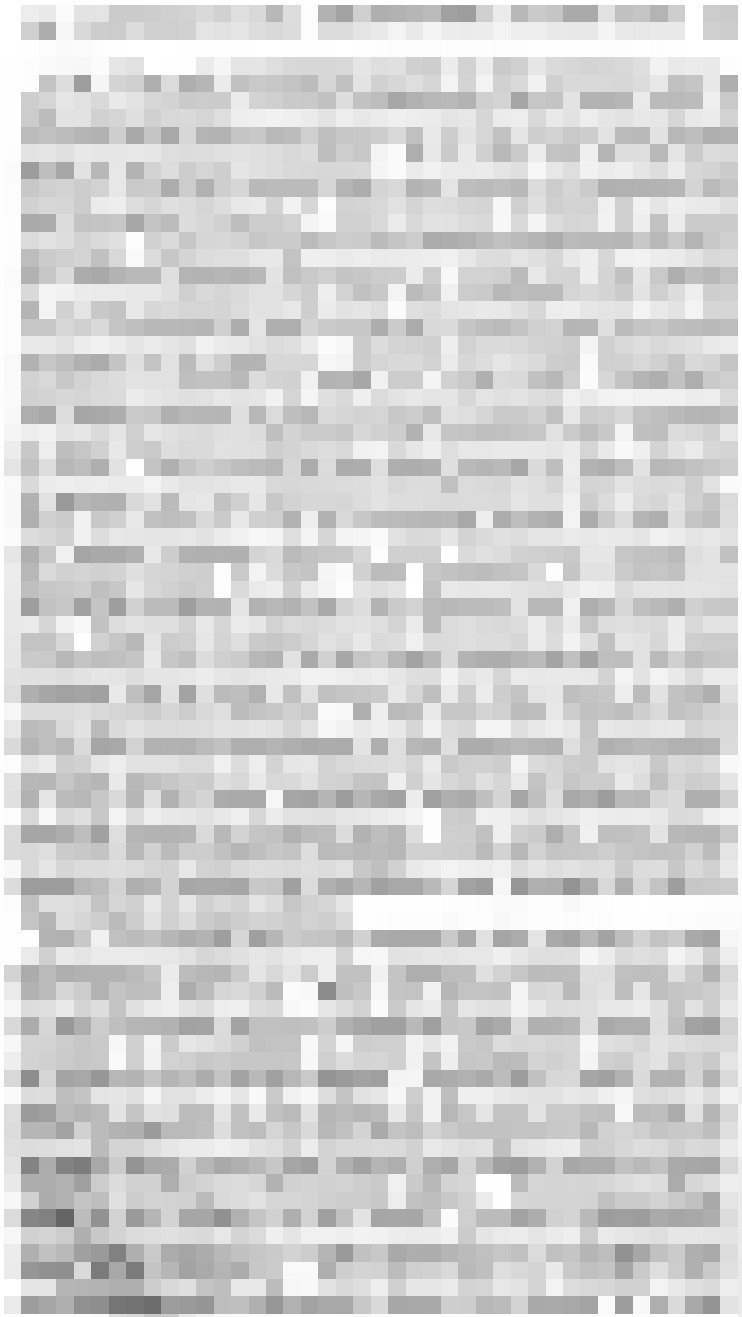

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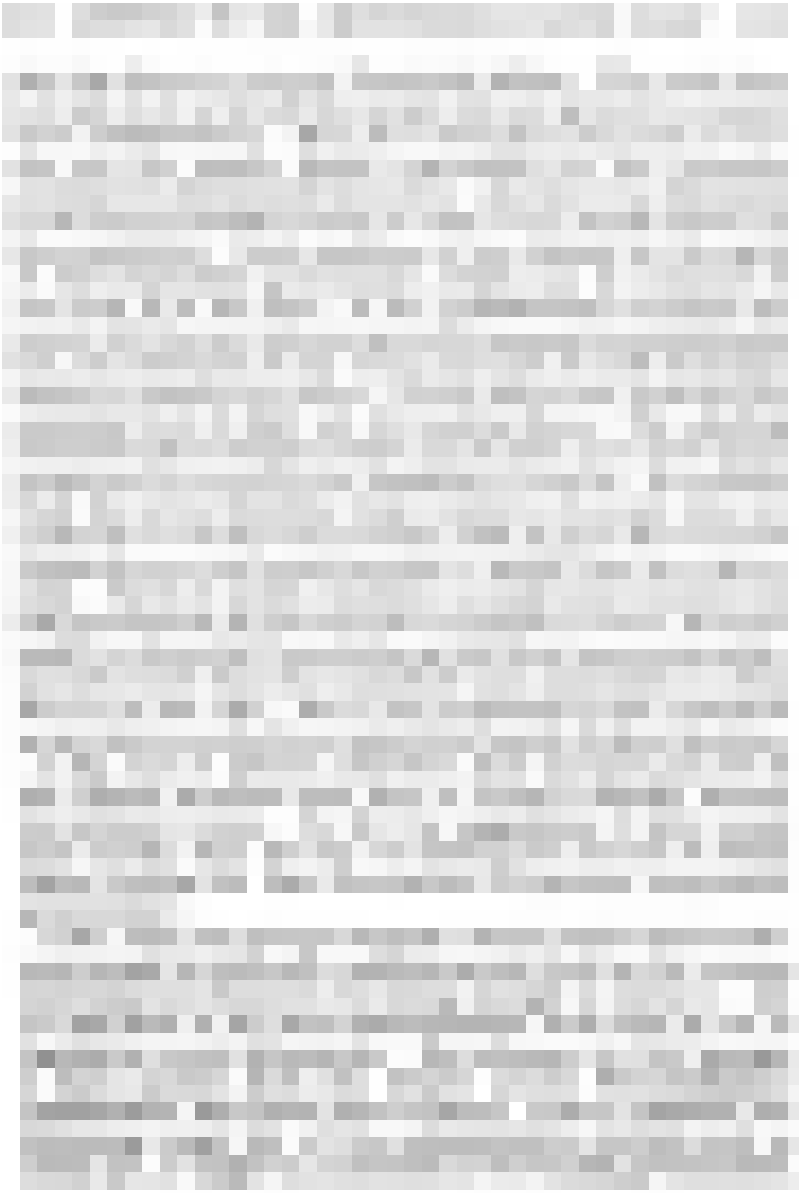

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Forests.	Irrigation.
	III
Public Health.	Local Government.
Hospitals.	Education.
Dispensaries.	
	IV
Excise.	Opium.
Assessments and Collection of Land Revenue.	Civil and Criminal Justice.
	Prisons.
Stamps.	Police.
Salt.	

Now under the proposal I am going to make to you the Legislative Councils remodelled on the lines I have sketched above would continue to cover the whole field of provincial administration in their discussions. Let them be free as at present to suggest anything and to discuss anything, sitting in their present capacity as advisory councils. But let these Councils also sit in another capacity, that of responsible legislatures in a self-governing Colony, destined to become the province of a self-governing Dominion. To each Legislative Council sitting in that capacity you might entrust certain of the powers scheduled above, together with the proportion of revenue spent on them during the last few years. Those powers and those revenues you would leave them to administer on the lines of responsible government. Then as each electorate and its Council proved its capacity for the task already assigned to it, you would add other powers and revenues, either singly or in groups. The last powers to be added would be the administration of the Courts, the prisons, and police. The Council would in fact sit in two capacities. In one capacity it would sit as at present as an advisory Council convened to discuss all matters of provincial government. In another capacity it would act exactly like the legislature of a self-governing colony in respect of the functions and revenues which had been transferred to it. There will thus, during the transition stage, be two sets of functions, those transferred to the control of the Council and those reserved to the present Provincial Government. It will be convenient if we agree to speak of these powers as *transferred powers* and *reserved powers*.

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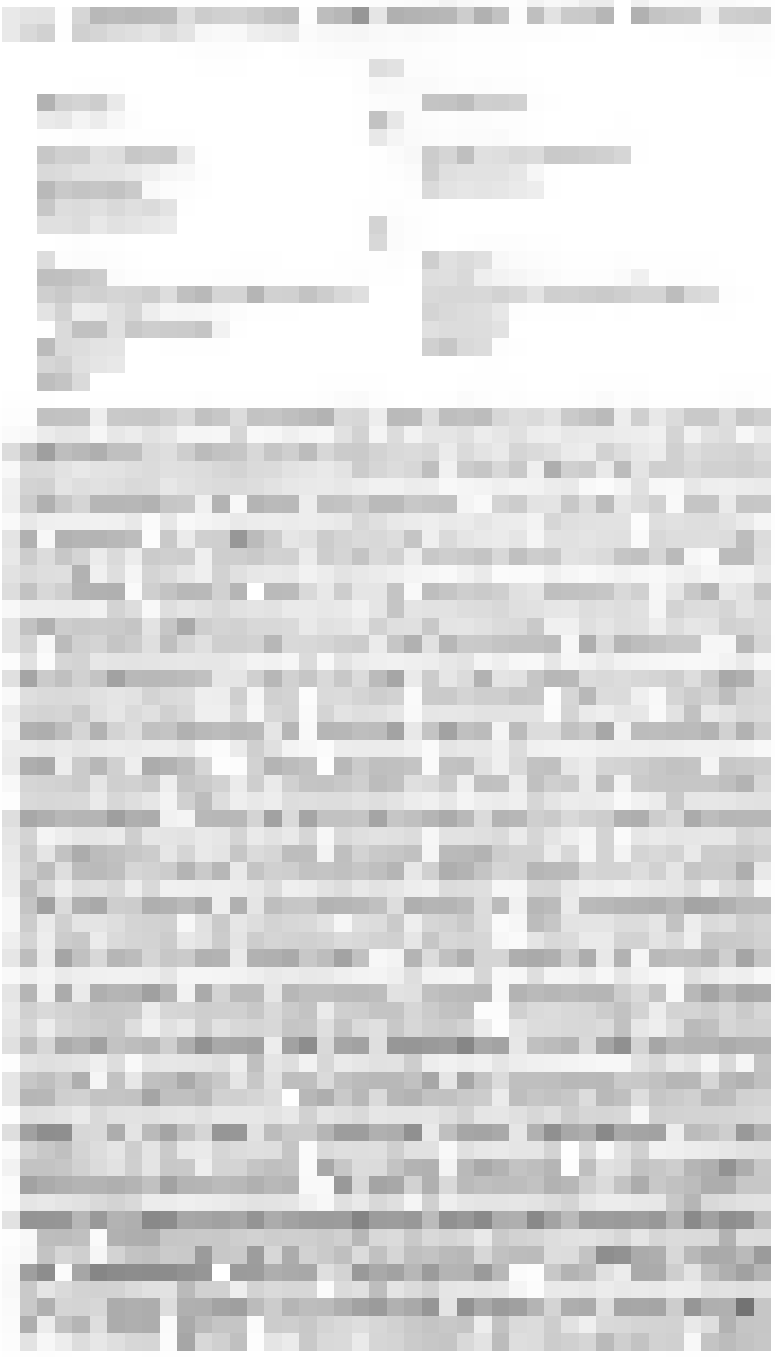


might be transferred together at once to all the Provincial Legislatures to administer. In some Provinces either forests or irrigation or both might be added according to local conditions. In other Provinces these functions might have to be reserved until the Council had found its feet. Where two Provinces both depend for their water on the same rivers, it might never be possible to provincialize the control of irrigation at all. The whole point of the proposal is that it does not commit you to a hard and fast procedure. You can vary it according to the ascertained conditions and aptitudes of the various Provinces. It gives you, in fact, elasticity. In all the Provinces, however, I suggest that you might take group one as a first instalment of transferred powers, and hand them over to the Council with their correlative revenues with full power to administer them for five years. At the end of the five years the arrangement, if it failed, might lapse; if it succeeded moderately it might then be renewed for a period of five years, while, if it succeeded well, further powers and revenues would be added from the reserved list.

§ 35. As the method by which the experiment would be initiated is all-important, I will endeavour to trace it. To begin with let us think of a Province where the Governor has himself served in the British Cabinet or, better still, as the Governor of a self-governing Colony, and is therefore familiar with the working of responsible government. His first step would be to send for the member of the Council whom he thought was the most likely to be able to command a majority of its members, and trust him with the task of forming a Provincial government in respect of the transferred powers. These powers might be conveniently grouped into four portfolios as follows—

Minister of Agriculture—

Agriculture and Co-operative Credit.

Provincial Secretary—

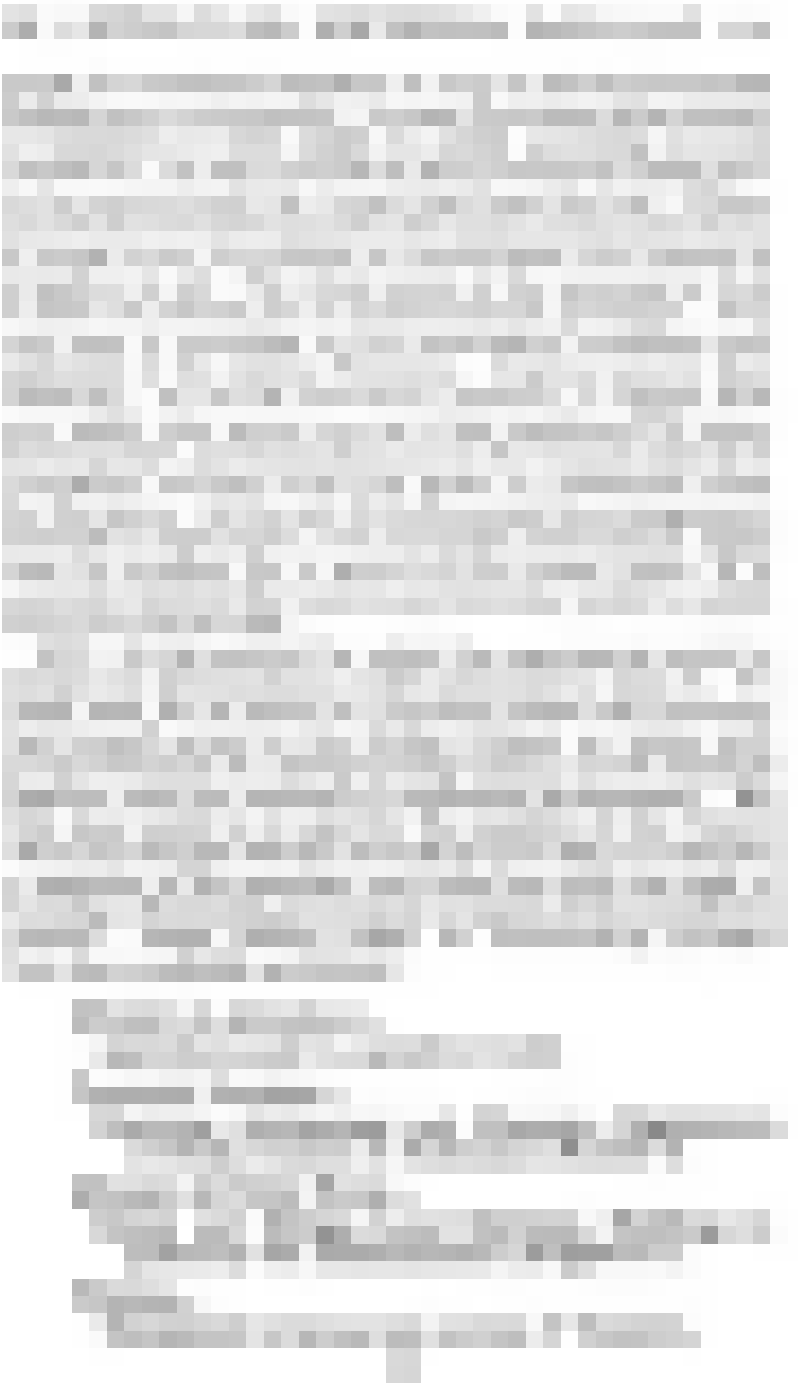
Factories, Archaeology and Museums, Registration of Deeds, Control of Professions (Forests ?).

Minister of Public Works—

Roads and Bridges, Local Railways, Buildings required by the Administration (Irrigation ?).

Finance—

Transferred revenues and sources of Taxation.



might be transferred together at once to all the Provincial Legislatures to administer. In some Provinces either forests or irrigation or both might be added according to local conditions. In other Provinces these functions might have to be reserved until the Council had found its feet. Where two Provinces both depend for their water on the same rivers, it might never be possible to provincialize the control of irrigation at all. The whole point of the proposal is that it does not commit you to a hard and fast procedure. You can vary it according to the ascertained conditions and aptitudes of the various Provinces. It gives you, in fact, elasticity. In all the Provinces, however, I suggest that you might take group one as a first instalment of transferred powers, and hand them over to the Council with their correlative revenues with full power to administer them for five years. At the end of the five years the arrangement, if it failed, might lapse; if it succeeded moderately it might then be renewed for a period of five years, while, if it succeeded well, further powers and revenues would be added from the reserved list.

§ 35. As the method by which the experiment would be initiated is all-important, I will endeavour to trace it. To begin with let us think of a Province where the Governor has himself served in the British Cabinet or, better still, as the Governor of a self-governing Colony, and is therefore familiar with the working of responsible government. His first step would be to send for the member of the Council whom he thought was the most likely to be able to command a majority of its members, and trust him with the task of forming a Provincial government in respect of the transferred powers. These powers might be conveniently grouped into four portfolios as follows—

Minister of Agriculture—

Agriculture and Co-operative Credit.

Provincial Secretary—

Factories, Archaeology and Museums, Registration of Deeds, Control of Professions (Forests ?).

Minister of Public Works—

Roads and Bridges, Local Railways, Buildings required by the Administration (Irrigation ?).

Finance—

Transferred revenues and sources of Taxation.

§ 36. The Leader sent for would then proceed to select three colleagues who, together with himself, would form the Government. The Governor might help him with advice, but with advice only.

§ 37. When the Government had been formed the ministers would not be expected to begin by taking on their shoulders straight away the functions entrusted to them. Where necessary they would be left to take their own time in constructing departments suitable for the purpose. Let me illustrate the process by one case, that of finance. The new Minister of Finance would begin by selecting from the Civil Service the man whom he desired to act as permanent head of his new department. Here, again, a Governor of the right kind could be a great help to him, as the Governor should know the merits of the various officials. The Minister of Finance would then have every chance of securing a permanent head who would work in sympathy with the new system. Aided then by the advice of the permanent head he would proceed to construct his department from materials drawn from the service. Clearly he should be obliged to draw on the existing materials and not make any appointments outside the Service except with the special sanction of the Government of India. The other Ministers would each pursue the same course as near as may be. When each of them had fashioned their new departments from materials drawn from the existing services, the Cabinet would notify the Governor that on a specified date they were ready to take over the transferred powers and revenues, and the new Government would come into active being side by side with the old one. The condition of dyarchy would then have begun.

§ 38. You would then have in power a provincial ministry entrusted with specified powers and revenues for which ministers would be answerable to the Legislative Council, which, sitting in this capacity, would of course be presided over by its own Speaker. If they lost the confidence of the Council they would either have to resign or ask the Government to dissolve the Council—to appeal, in fact, from the Council to the Provincial electorate—that is one reason why it is so important to know who the Provincial electorate really are.

§ 39. I have assumed that the Government could be given the proportion of the revenues corresponding to the duties handed over to them. To ascertain this is merely a matter of accountancy. But you would not have established really

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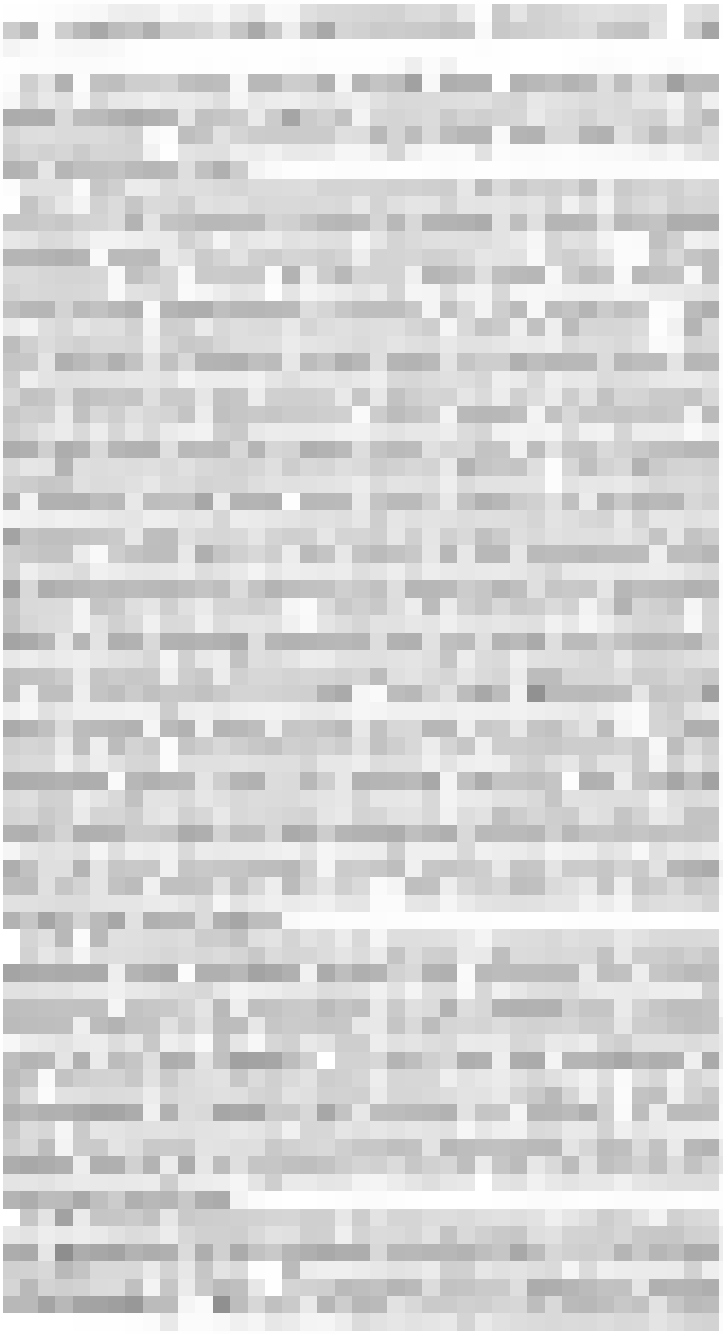

responsible government by handing over to the Councils a fixed proportion of the revenue. In order to introduce a real element of responsibility you must give the Council the power of raising new revenues. If, for instance, the Council wants to embark upon an extended policy of roads and bridges it must have the power of raising the additional taxes required; it must feel the responsibility of raising those taxes and so must the electors who are asking for better communications. The difficulty of finding new sources of taxation is a commonplace of Indian finance. I venture to say that the difficulty is far more due to the inherent weakness of the present system of government than to want of means on the part of the taxpayer. Considering the rise in the value of raw products which has taken place in the last fifteen years, new sources of taxation must be available. The fact is that a government which is in any sense representative can venture to raise taxes which an autocratic government would not dare to impose. This was certainly true of the Transvaal—General Botha's government imposed taxes which Lord Milner and Lord Selborne would never have ventured to touch.

§ 40. If, therefore, the Council decided that more revenue was needed for the duties entrusted to it, it would be open for the Provincial ministers to promote a Bill, just as a municipality in England promotes a Bill in Parliament to give it the new powers it requires. The Government of India would be the authority to deal with this Bill, which if passed would give the Provincial Council certain new and specified powers of taxation, within the limits of which it could raise or remit the new revenues they required. In this way the constructive work of initiating new sources of Provincial taxation would be laid on bodies answerable to Provincial electorates.

§ 41. It is important to realize the value of this process whereby each provincial authority can obtain from the National Government the additional powers which it finds in actual experience that it needs from time to time. There is nothing new in it, for it is the well-tried expedient whereby the great municipal authorities in England in the course of the last century have built up the wide powers they now wield. As a means of tracing in detail and with nicety the exact line which is to divide the spheres occupied by local authorities from the central authority, it is simply invaluable. It is capable of a very wide application. Take the case of local railways. A certain uniformity

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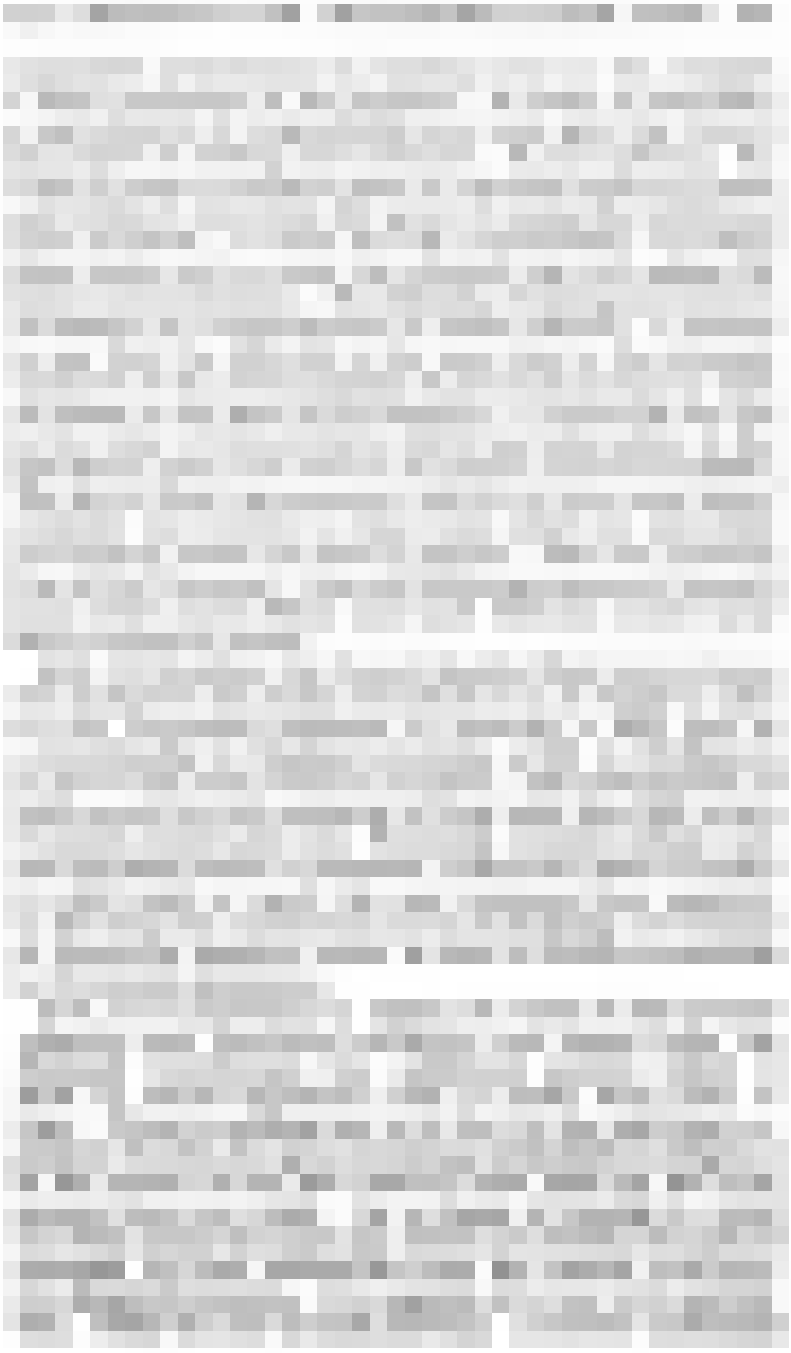
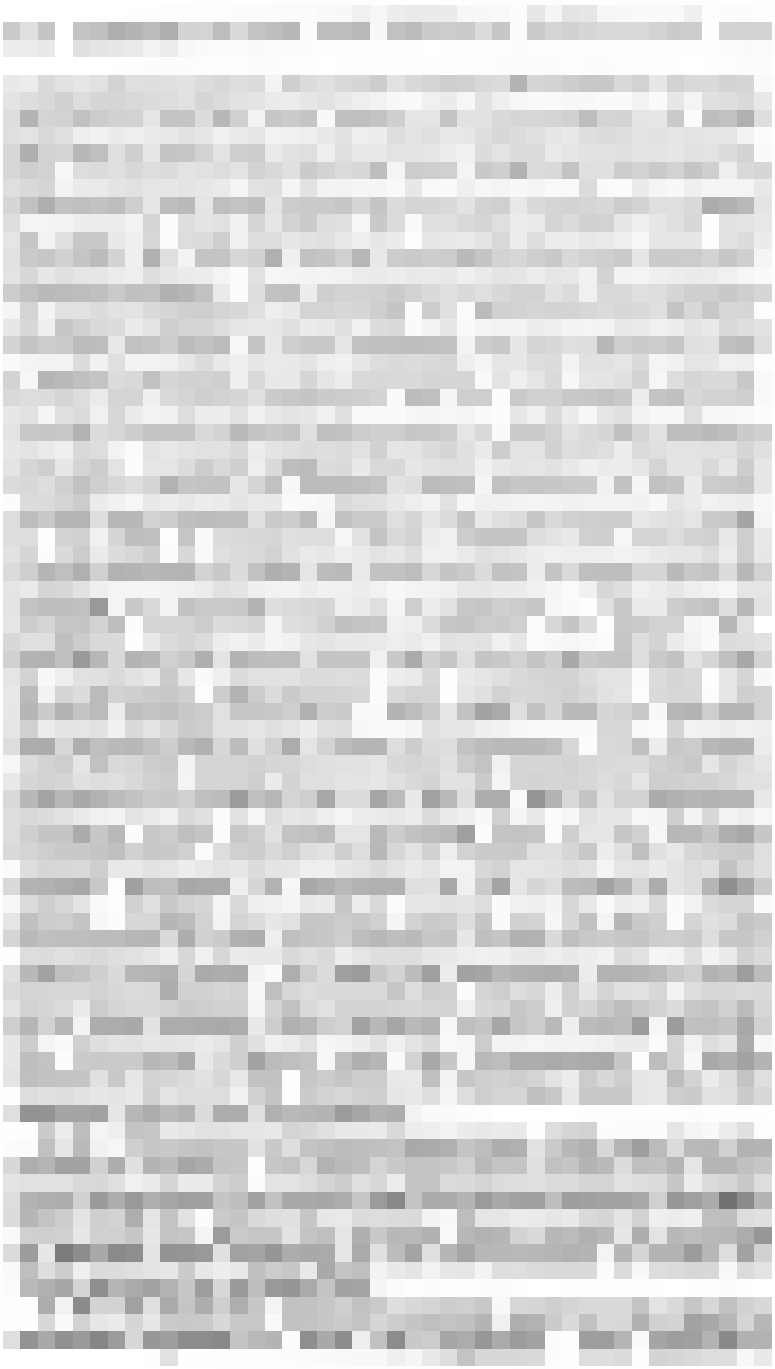


in the railway system of a great country like India is certainly important, and for that reason the Government of India has kept a tight grip on the whole railway administration. But I venture to say that all over India the extension of cultivation and local industries has been needlessly clogged for want of local facilities for moving produce and raw materials, &c., and the whole community has been impoverished accordingly. I say needlessly, because by the expedient of special legislation promoted by Provincial authorities, the free provision of local railways can be combined with a perfect security for the uniformity of the whole system. In the case of local railways I am not proposing that Provincial Councils should have power to build what railways they like. I merely suggest that they should be empowered to frame schemes, to embody those schemes in the form of Bills and submit those Bills to the Government of India. In the Bill it would be shown whether the Provincial Council desired to build and work the line or hand either the building or working over to a company. The financial proposals would be carefully outlined, the gauge, &c., specified and the terms upon which the proposed line could be eventually expropriated and consolidated with the national system prescribed. Such Bills would be handled like private Bills in the House of Commons. The Government of India would have to create the necessary legislative machinery for hearing the case for the Bill in Committee. Evidence would be taken including that of the Railway Commissioners, counsel would be heard and the project refused, accepted, or amended, as the Committee might advise. Subject to a perfect control on the part of the Government of India, local initiative would thus have a vent which it now lacks. At least this important reform would have been effected, that henceforth, where demand existed for a local railway, that demand could be made through the Provincial Council, and the Government of India would be put in the position of showing cause why the demand should not be granted.

§ 42. This power of promoting private Bills need not be limited to railways. If there is any other useful work which is not being done, but which the Provincial ministry thought they could do, given the powers, there would be nothing to prevent them applying to the Government of India for those powers by private Bill.

§ 43. So much for executive powers and for the relative revenues required to meet the expenses. The executive



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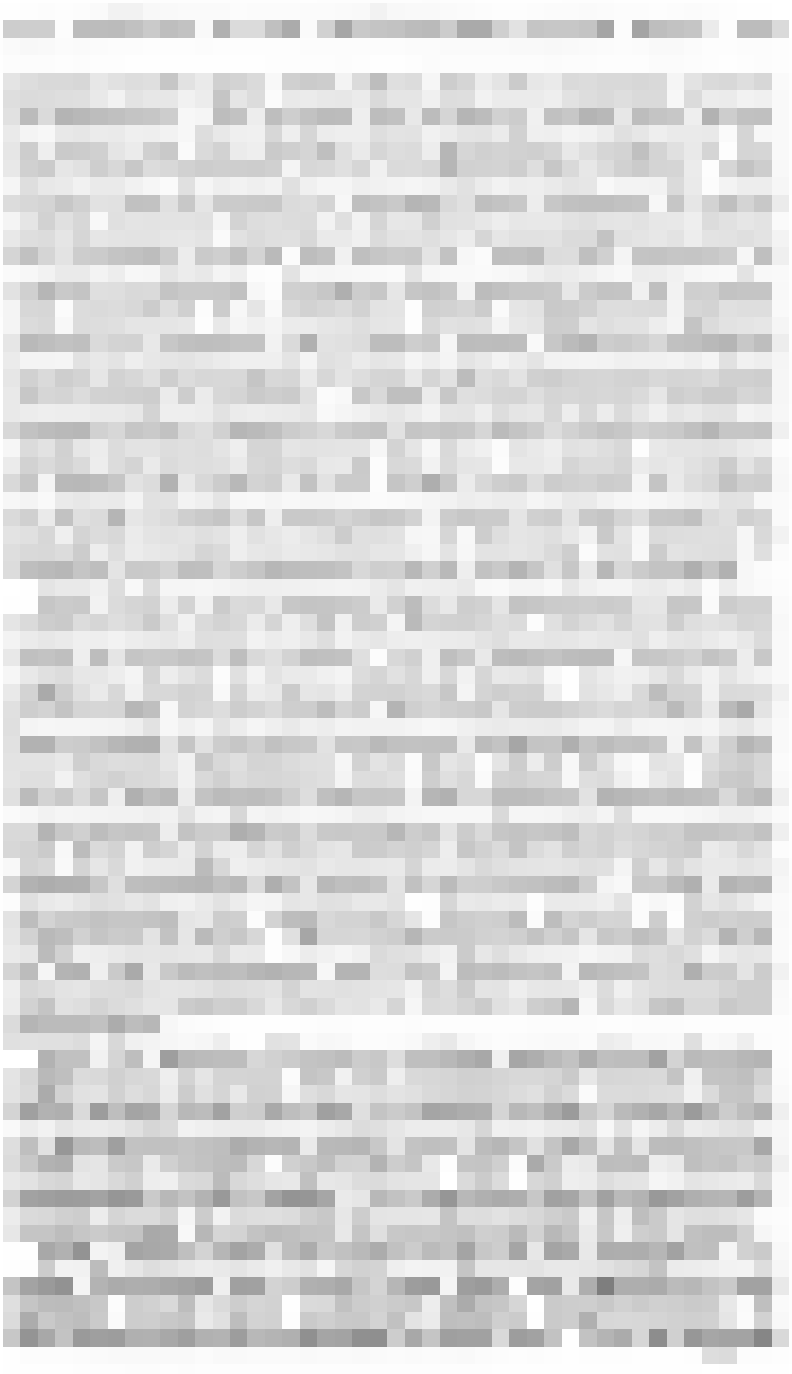
powers would carry with them also the necessary powers of legislation. The council, for instance, would have power to enact any law dealing with agriculture subject to the veto of the Governor, as in a self-governing Colony. But if the Council desired to attempt some measure of social reform, however humble, it should be encouraged to obtain the necessary powers for doing so. Take the question of cruelty to animals. Suppose some special form of cruelty was practised in a Province which enlightened opinion desired to suppress, the Council would instruct ministers to ask the Government of India to give them powers to deal with cruelty to animals. A Bill for that purpose would be framed, which, if passed, would enable the Council to legislate within the limits defined by the Act. It would, of course, lie within the option of the Indian Government to extend to all the Provinces any power which had been asked for and given to any one of them ; in this way the process of building up their legislative powers would be accelerated.

§ 44. Let us now suppose that the experiment had been tried for five years in all the Provinces, and the time had come to review the results. In one backward Province it might be found to have definitely failed. It might have proved that no government had been found to hold office long enough to provide continuous administration, or that too frequent dissolutions had been asked for. It might even be that religious sections had become embroiled and a movement for passive resistance on the part of one section had been set up, or that positive disorder had broken out, thereby imperilling the peace of the Province. Under such circumstances the experiment, having proved a failure, might have to lapse. The transferred powers would go back to the old Government and the Province would have to wait until it seemed ripe for a further essay in responsible government.

§ 45. In another Province nothing approaching disorder might have occurred, but the ministers and Council might have shrunk from the task of raising further revenues and no perceptible progress might have been made in extending roads and bridges, agriculture, and the other services committed to their charge. In a case like this the experiment would simply be renewed for another period of five years.

§ 46. These cases one trusts would be the exception. In some Provinces one would hope that the legislature and cabinet would have achieved definite improvements in the various services entrusted to their care. Let us suppose



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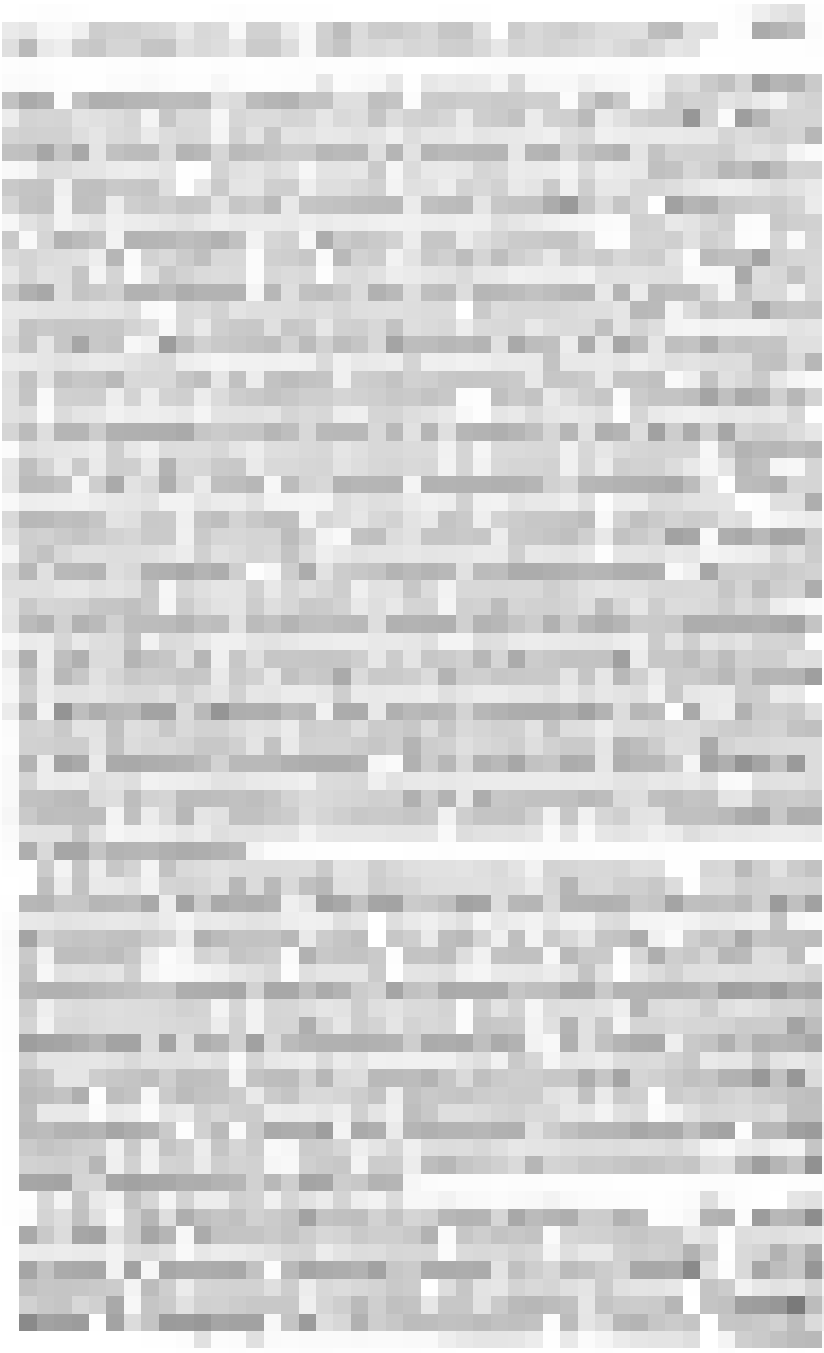
§ 47. To these proposals there are two objections, which will, I know, be raised. The first is that you cannot have two governments operating side by side, or in other words, a dyarchy. I have already dealt with that objection. Dyarchy is a normal feature of any system of self-government in any country so large that you must have Provincial assemblies as well as a National assembly. In India people don't understand dyarchy because the Provincial Governments are nothing but local departments of the Central Government. In Canada the Provincial Governments are nothing of the kind. They are separate governments each with a mainspring of their own.

§ 48. The second objection is a more serious one. It will be said that Provincial Councils instead of finding new sources of revenue, obtaining powers to levy them, and imposing the necessary taxation, will simply devote themselves to badgering the old Government to reduce their



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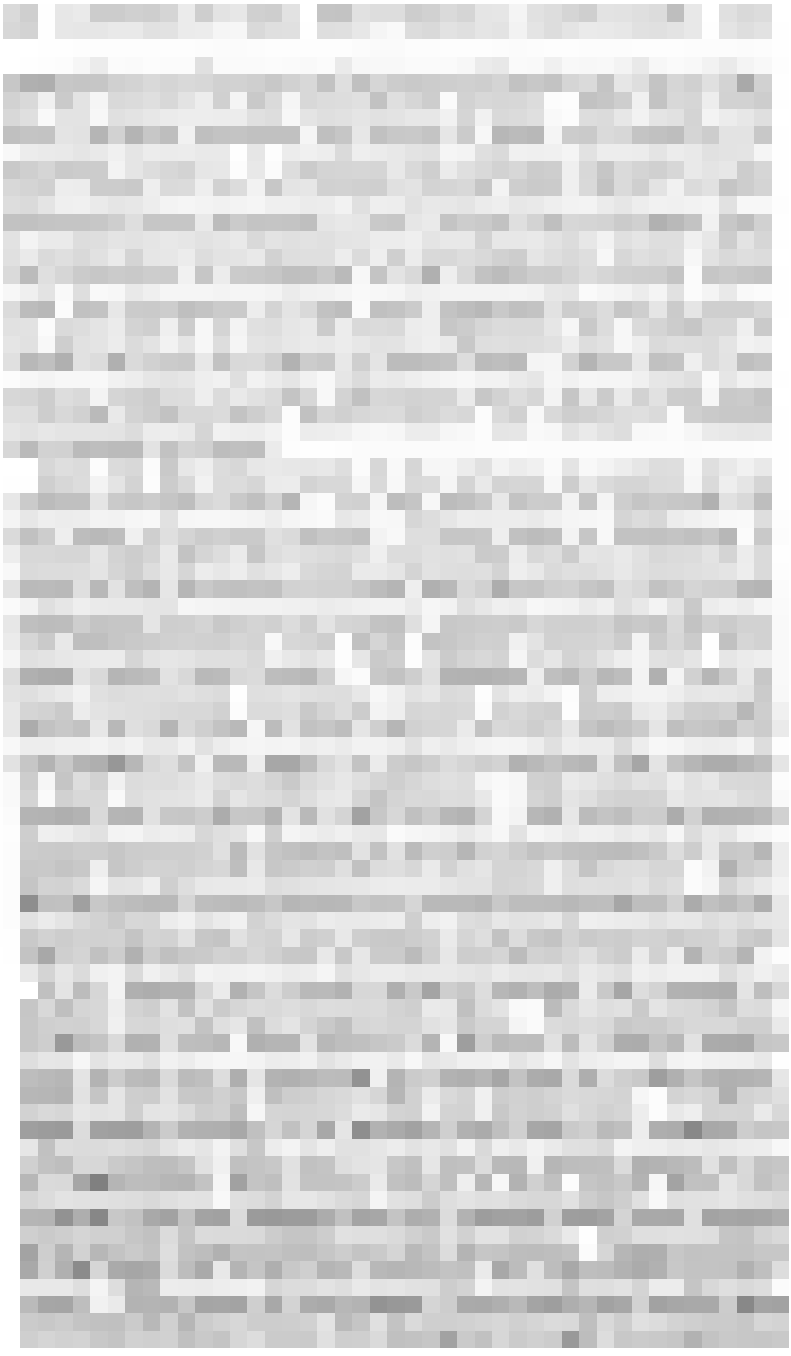
§ 49. On the other hand, if the scheme is possible it has certain obvious merits. In the first place it proceeds on the basis of proved results. Think what a difference it would make if for five years responsible Indian ministers in some of the Provinces of India had shown that they could administer the powers in Group I without embroiling Hindus and Mohammedans, and that definite progress had been made under their hands. The definite success of two or three Provincial ministries would more than outweigh failure on the part of some others, for the others would be encouraged to try again in order to emulate the example of their more successful neighbours. The system in fact would put everybody on their mettle. The more backward Provinces would be inspired to emulate the standard of those which had proved themselves to be more advanced. Each Ministry and Council, moreover, would be desperately anxious to establish a case for the transfer of further powers and that case would have to rest on results and facts, not on words.

§ 50. Lastly, you would greatly increase the supply of Indians who had held responsible office. The Indians whom I have met who have served as Dewans in Native States have struck me as standing by themselves in a class apart. This is not merely because they are picked men. I believe their native ability is no greater than that of a number of other Indians I have met; but the fact which seems to me to differentiate them from others is that, apart from the Princes, they are almost the only Indians who have carried great public responsibility on their shoulders. Responsibility in the long run is the only educator for responsible government. Five years of the system I have sketched would give you some dozens of men who had gone through the experience



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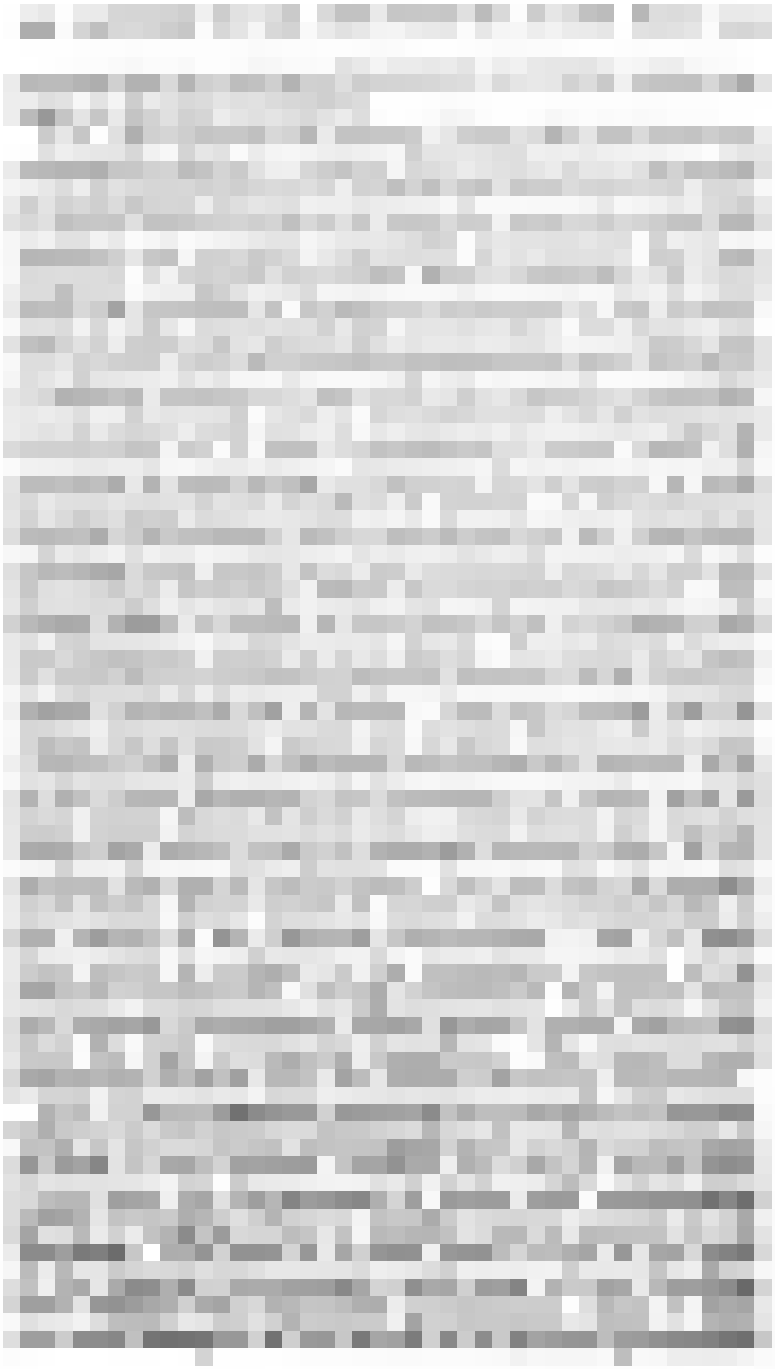
required for the making of statesmen and India might then begin to find her real leaders.

§ 51. Now suppose the reforms I have sketched had been successfully effected; suppose that India were represented in the Imperial Parliament, and that the time had come when in almost all the Provinces of India the reserved powers had vanished and complete responsible government had been obtained. I suggest that under these conditions you could apply the principle of Dominion autonomy to the Government of India itself practically at one step. To begin with you would in your Provincial administration have developed a sufficient number of men with the requisite experience. On the other hand, such a reconstruction of the Imperial Government as I have foreshadowed would make the operation of establishing a Dominion Government in India far more easy than it would be at present. A reconstructed Imperial Government which represented all the Dominions including India would have been entrusted once for all with the conduct of Foreign Affairs and Imperial Defence. The foreign affairs of India, no less than those of England and the Dominions, would be in its hands. So would the Navy, so would the troops which guard the frontiers of the Commonwealth, including that of India. I am not saying that the Indian Government would not require forces of its own. I believe that all the National Governments whether those of the United Kingdom, the Dominions, or India, must all have citizen forces of their own; such forces are required behind the Police if only to maintain internal order, as you see from the case of South Africa. In a war like the present, such citizen forces would of course pass automatically to the control of the Imperial Government; but in peace they would be subject to the immediate control of the National Government, though subsidized by grants from the Imperial Government, which grants would carry with them the right of Imperial inspection. The Grant would presumably depend upon the results shown by inspection.

§ 52. I have suggested applying the principle of responsibility to the Provinces before applying it to the Government of India, if only because I believe you can go much faster if you leave the Government of India with undiminished powers of judging when to transfer reserve powers to the Provinces. You leave it, in fact, what it now is, an agent of the Imperial Government, until most of the Provinces have attained full responsible government, when I think you could change it at one stroke to a national government



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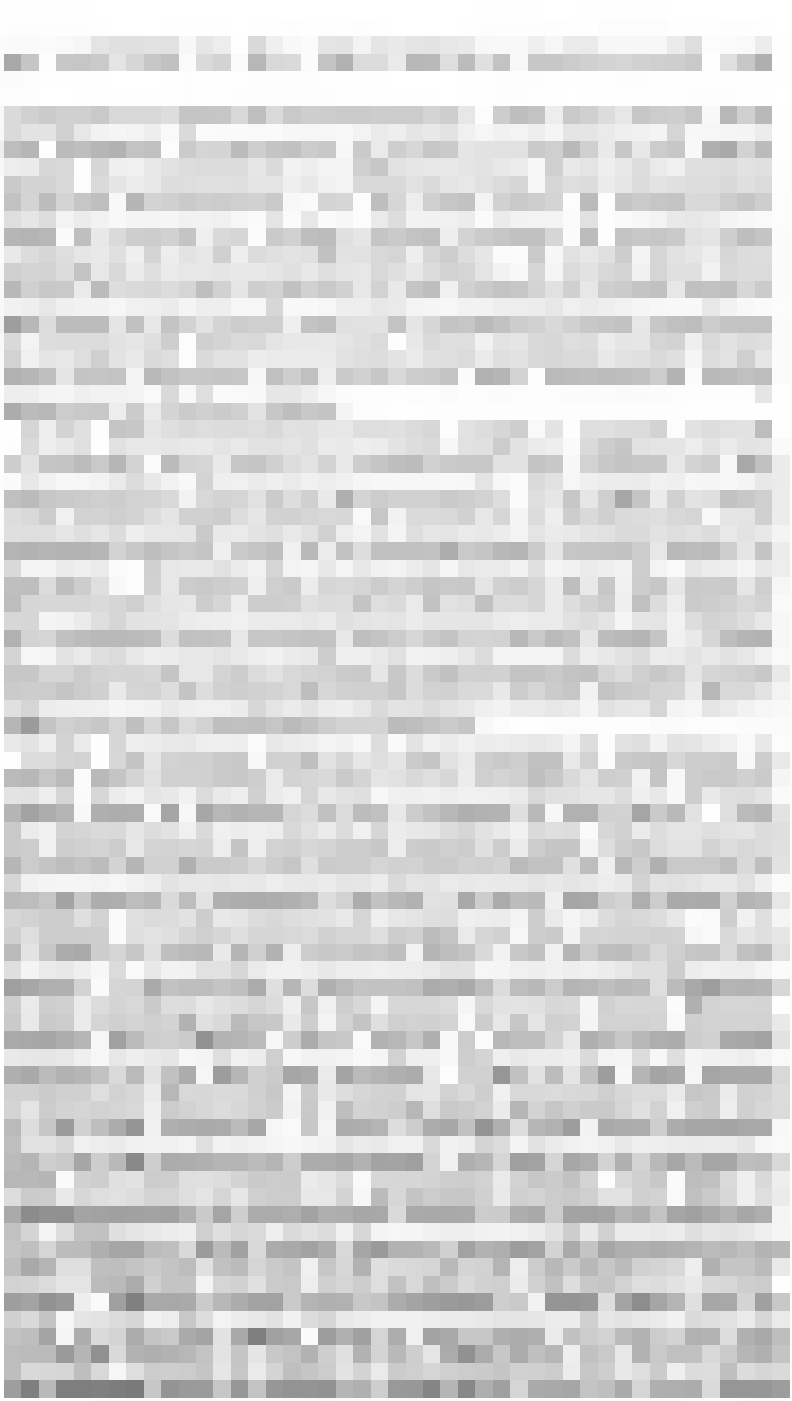
§ 51. Now suppose the reforms I have sketched had been successfully effected; suppose that India were represented in the Imperial Parliament, and that the time had come when in almost all the Provinces of India the reserved powers had vanished and complete responsible government had been obtained. I suggest that under these conditions you could apply the principle of Dominion autonomy to the Government of India itself practically at one step. To begin with you would in your Provincial administration have developed a sufficient number of men with the requisite experience. On the other hand, such a reconstruction of the Imperial Government as I have foreshadowed would make the operation of establishing a Dominion Government in India far more easy than it would be at present. A reconstructed Imperial Government which represented all the Dominions including India would have been entrusted once for all with the conduct of Foreign Affairs and Imperial Defence. The foreign affairs of India, no less than those of England and the Dominions, would be in its hands. So would the Navy, so would the troops which guard the frontiers of the Commonwealth, including that of India. I am not saying that the Indian Government would not require forces of its own. I believe that all the National Governments whether those of the United Kingdom, the Dominions, or India, must all have citizen forces of their own; such forces are required behind the Police if only to maintain internal order, as you see from the case of South Africa. In a war like the present, such citizen forces would of course pass automatically to the control of the Imperial Government; but in peace they would be subject to the immediate control of the National Government, though subsidized by grants from the Imperial Government, which grants would carry with them the right of Imperial inspection. The Grant would presumably depend upon the results shown by inspection.

§ 52. I have suggested applying the principle of responsibility to the Provinces before applying it to the Government of India, if only because I believe you can go much faster if you leave the Government of India with undiminished powers of judging when to transfer reserve powers to the Provinces. You leave it, in fact, what it now is, an agent of the Imperial Government, until most of the Provinces have attained full responsible government, when I think you could change it at one stroke to a national government

analogous to those of the Dominions. But don't forget that the Imperial Government of which it would be an agent would be constituted on different lines from the present Imperial Government. In the first place it would have time to attend to Indian affairs because it would have nothing to do with local British affairs. It would have time above all to hold inquiries on the subject in India and to get facts at first hand, and if it contained Indian members, as I hope and believe it must, these members could secure that such inquiries were held and that Parliament really attended to Indian affairs.

§ 53. The Government of India might, I suggest, be left a perfectly free hand in transferring new powers to the representative Provincial governments. The right to recall such powers might perhaps be reserved to Parliament, and exercised subject only to a parliamentary inquiry made on the spot. It might also be provided that, as in the days of the Company, the whole system should be made the subject of a parliamentary inquiry once every twenty years. Under the conditions I have outlined it may be assumed that Indian members of the Imperial Parliament would always find a place on such committees of inquiry.

§ 54. As my pen runs on I see a variety of directions in which this proposal requires to be worked out in greater detail than is possible in the compass of this letter. But the whole idea is so extremely tentative that I feel it would be waste of time for one who knows so little of India and its Government to elaborate further, without first eliciting the criticism of better-informed people on the outlines. It is in order to elicit such criticism that I am sending you this sketch. I should like to know whether you see any objection to my sending copies of this letter to a few dozen friends, Indian and Official, with whom I have discussed these matters in the last few months. That is the best means I have yet discovered of putting such proposals to the test in the first instance. I want criticism first and foremost. But having made your criticisms I will ask you to remember that not only is there no proposed scheme, but also no existing scheme of government which is not open to criticism. No criticism is fatal which does not succeed in demonstrating that a proposal will not work at all and will lead to a breakdown. Having noted your criticisms, I then want you to look at the idea again from a new point of view and ask yourself whether in spite of the difficulties you have noted the scheme could be made to work at all, and if so, how those



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difficulties can be minimized, and how the proposal can be improved. In fact I should like to have your constructive criticism, if you think that the proposal as a whole is worth further consideration and amendment.

§ 55. More especially I want to elicit your opinion on the reasons adduced at the opening of this letter which have driven me to the view that, while Imperial reformers find themselves driven up against the question of Indian reform, so will Indian reformers find themselves forced to consider the question of Imperial reform. As I have said in my *Letter to the People of India*, which I am publishing, I have found that it is practically impossible to study the Imperial problem without trespassing on the problem of the future Government of India.

Yours sincerely,

L. CURTIS.

APPENDIX

SOME COMMENTS AND CRITICISMS ON THE LETTER TO MR. BHUPENDRA NATH BASU, FROM BRITISH AND INDIAN OFFICIALS AND NON-OFFICIALS

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PREFATORY NOTE

This pamphlet contains some of the comments received on my letter of April 6, 1917, to the Hon. Mr. Bhupendra Nath Basu, circulated as Indian Studies No. 2. It includes papers from Indians and Europeans who are servants of Government and from others who are not.

The comments are often intelligible only by reference to the letter to which they refer, copies of which are obtainable on application to Messrs. A. H. Wheeler & Co., of 15 Elgin Road, Allahabad.

It is clear to me, from a perusal of these criticisms, that in certain passages of my letter I failed to make my real meaning understood. Herein lies one of the most valuable features of this particular method. The writer is thus enabled to discover where his own explanations are obscure, and so to remove the obscurities, when he reaches the stage of presenting his final results. The matter is mentioned here, merely because the misunderstanding of one critic is apt to put subsequent critics off the track. I will, therefore, ask every one who reads these criticisms to interpret the meaning of my letter from its text, and not from the comments made by others upon it.

I must ask all into whose hands these papers may come to regard them as private, in the sense that no public reference of any kind may be made to them. These Indian studies are not published, and are printed only in order to obtain a wide range of informed and considered criticism upon the accuracy of the statements they contain, and the soundness of the conclusions based on those statements. Naturally I cannot hold myself bound by any statement of fact or opinion so long as it is circulated privately and merely for the purpose of eliciting correction and criticism.

LIONEL CURTIS,

c/o Messrs. A. H. Wheeler & Co.,

15 Elgin Road,

Allahabad.

22nd July, 1917.

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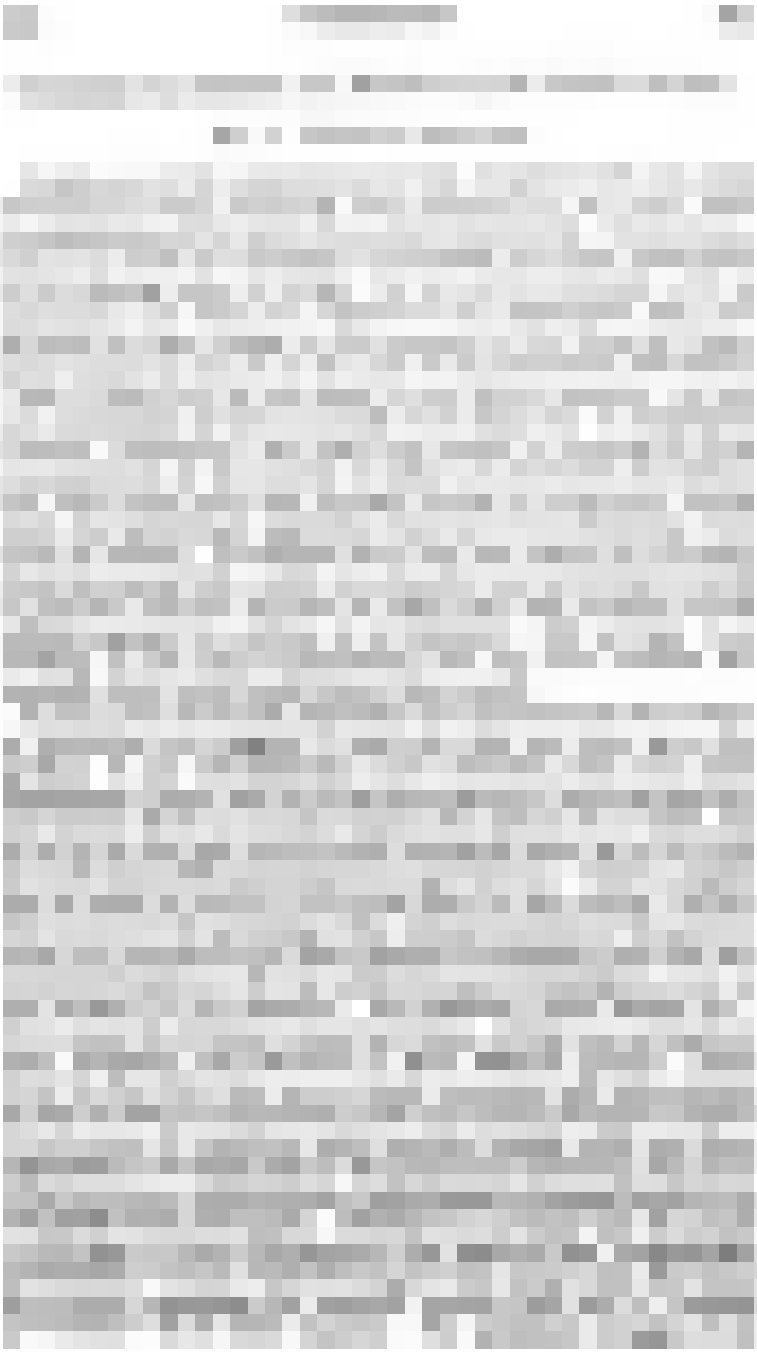
Comments by Indians not Members of the Public Service.

No. 1. From an Advocate

I told you at the commencement that I agreed with you that development along provincial lines appealed to me more than a reconstitution of the fabric from above downwards. Your scheme had to my mind the advantage of involving very little dislocation in the existing order of things. So far as the principle of it is concerned I am with you—subject to the assumption that you advocate the same change in the personnel of the Imperial Legislative Council as you do in the case of the Provincial Assemblies. I take it that you do not stand for an official majority or any such constitution of them as would secure that end in Legislative Councils. Otherwise I am afraid you would be leaving the final pronouncement of the success or failure of provincial administration with people who may honestly decline to appreciate results which the subordinate assemblies may have been straining every nerve to achieve. In addition they may not realize the necessity of private money bills—which you empower your provincial councils to promote—and the rejection of which may and probably would militate against the exercise of all initiative. But perhaps I am dwelling on the point unnecessarily and you have realized the anomaly which would result better than myself.

So far as the Provincial Assemblies are concerned and the scheme of devolution you suggest, I must say that you have given the problem of our administration more attention than any other Englishman I know, and the thing is an earnest of your sympathetic and serious effort to not only improve the system as it exists, but to set us on the path which would ultimately carry us to the ideal of a fully responsible and autonomous government. I have a suggestion to make, to which I will revert later, for the present I should like to know if the grouping of the various functions of the government of a province as you have planned it represents your final and considered opinion or if it is merely by way of illustration, more or less tentative in its character. One difficulty which strikes me—if you mean the division to stand as it does—is that you put Agriculture, Irrigation, and Revenue in three different groups. Apart from the fact that they are so closely connected and inter-related, it may be that an improvement under one heading would be nullified by an excess of imposition under another because while you leave agriculture to be dealt with by the government exercising the transferred powers, a redistribution or resettlement of revenue would be in the hands of the other body. Besides I do not know how far people would agree to leave Education in the hands of the 'bureaucratic government'—if you would let me give that name to the Provincial government exercising the reserved powers, and call it 'popular government' in its other capacity. The persistent struggle of the



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Indian Nationalists has been to control the Education policy of the government—doubtless with a view to making it compulsory and where possible free in its primary steps. You would be the last person to quarrel with that wish, and yet if you leave it to the third quinquennial of their probation you would practically be postponing the inauguration of a nationalist policy to a period which may with luck be reached in fifteen years or may be delayed longer. I would suggest that you give us Primary Education at least in the first group of powers which you propose to transfer to us, leaving secondary education to the second period of our novitiate. I am afraid I have kept you too long over details which perhaps you yourself do not consider as finally settled, and which you intend casting into a different shape. You will note that Archaeology, Registration, Bridges, and Local Railways do not afford much scope for initiative or talent except so far as departmental efficiency is concerned—and may not furnish any adequate tests of failure or success.

Coming to the main idea of your scheme I am glad you give us a direct franchise. A certain number of difficulties will doubtless appear—we are not immune from them now, but it will stop the voting of the councils being gerrymandered as it is at present by nominating people who in some cases are not even acquainted with the language in which the proceedings are conducted and who cannot take any independent line of thought or weigh the issues involved in the question before them. But you will remember that elections here are mostly fought and won on personal grounds. There are no party lines along which you find a cleavage in public opinion. The result of an election is generally due to canvassing conducted on purely non-party grounds. The elector does not choose between two policies but only between two persons. I am emphasizing this with a view to point to a difficulty which I anticipate would be invariably presenting itself whenever a 'popular government' had broken down and an election had become necessary. The candidates would always be going to the electors on isolated issues and seldom on matters of policy. Whenever a government was defeated it would be because the government had failed to carry the house with it on any given measure. What I mean is that in the absence of any 'parties' the dissolutions would be too frequent if you provide that a government has to dissolve whenever it is defeated. In going to the electors the 'popular government' would not only be dissolving itself but also the 'bureaucratic government' and consequently bringing the entire machinery to a stop. If they do not dissolve on one measure there is no reason why they should dissolve over another—if they do that every time then any scratch division may precipitate the whole thing into disorder. Would it not be better to leave the government in power for the remaining duration of their term, to be punished by the electors afterwards, or to provide for the resignation of the offending

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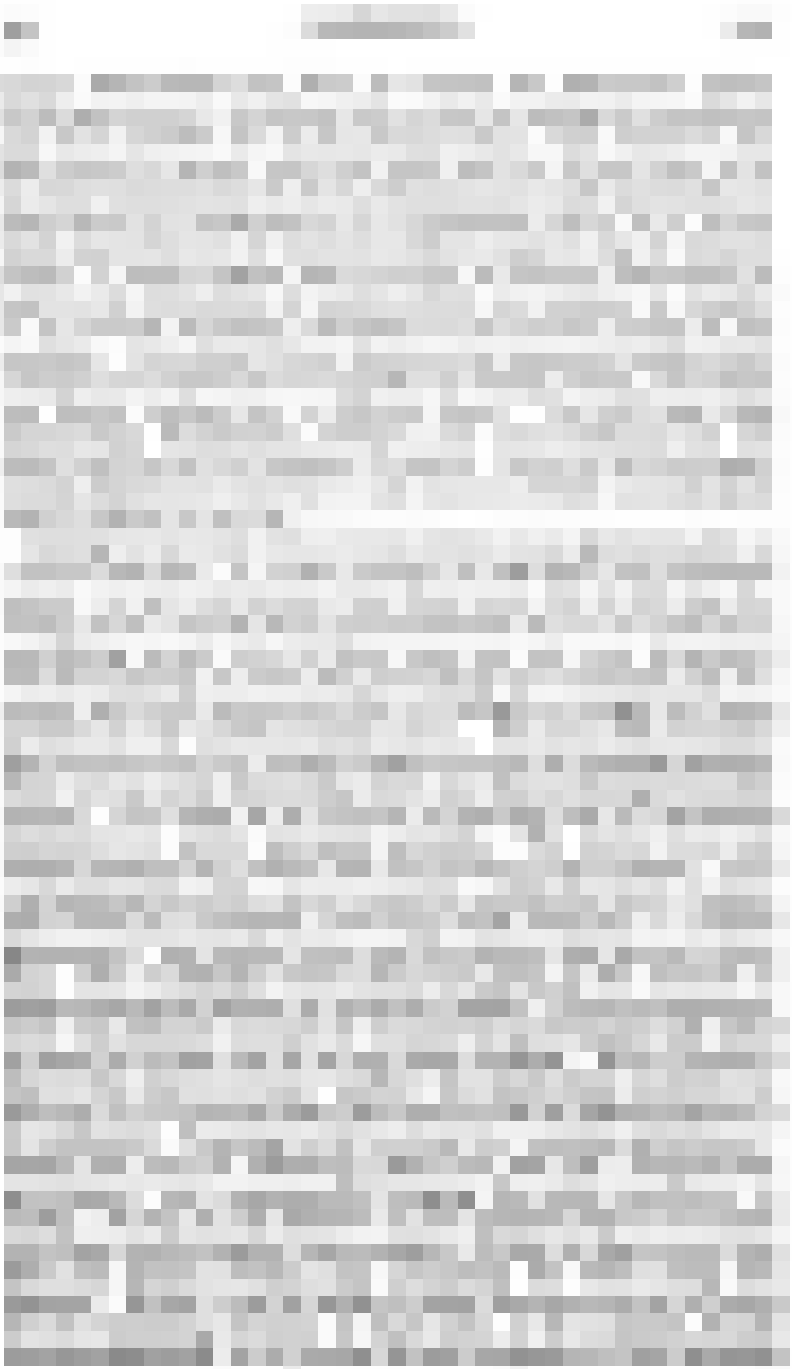

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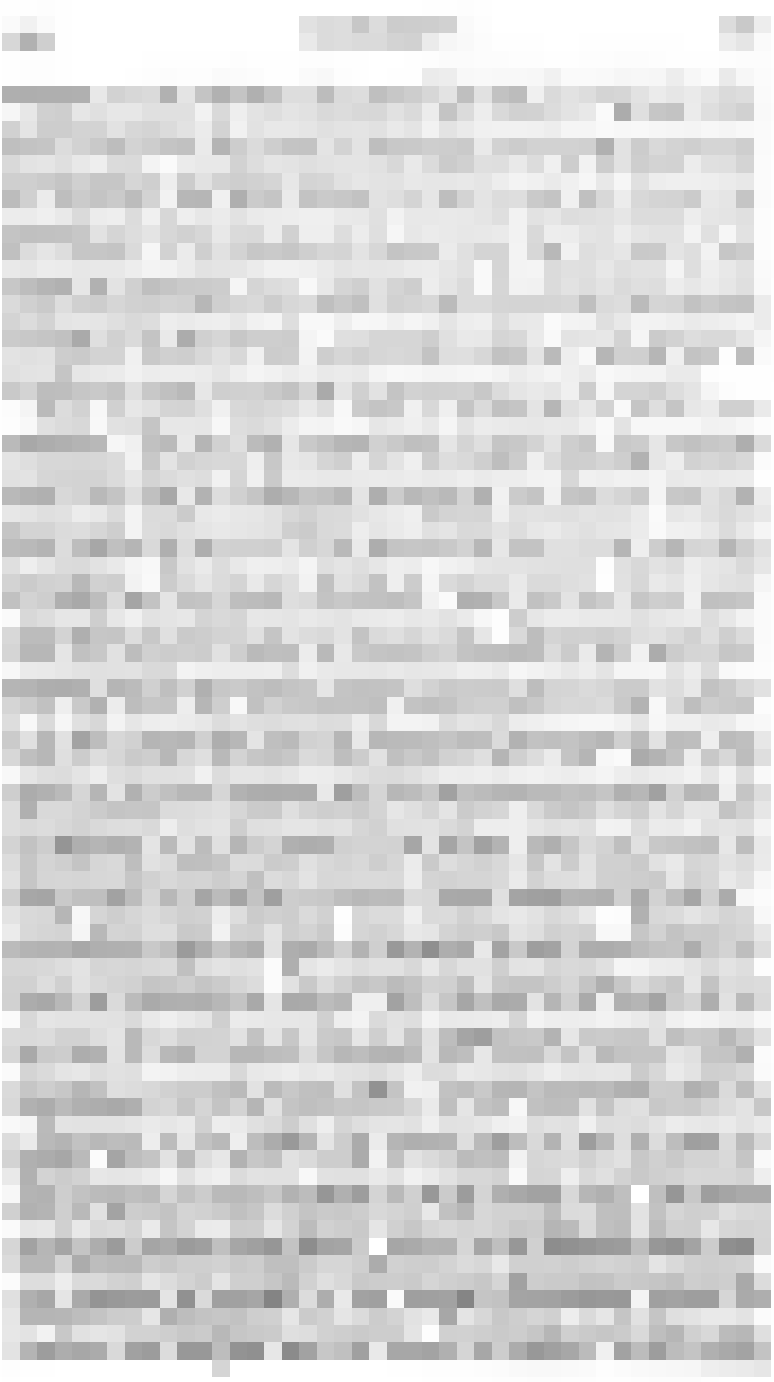
There is another aspect to which I should like to invite your attention. You say with a great deal of truth that the imposing of taxation should be the test of a successful responsible government, also that an indigenous government can discover and tap sources not visible or available to a foreign government. I would have nothing to say to it if the government were of one particular description. But you are giving us a government which would be partly alien and partly responsible. Both will have their particular sphere of activity to work and develop. Supposing for instance that you put us in charge of primary education in the first quinquennial and the government wishes to devote say ten lacs of rupees over and above the proportionate budget grant to that purpose, it is quite conceivable that the bureaucratic government may also wish for a similar increase in the grant for the C.I.D. Both would recoil on the poor taxpayer, and two governments working side by side—possibly in a spirit of rivalry, not to be outdone by the other in efficiency or in the output of its efforts, where one would be interested in justifying the retention of power in its hands, and the other would be straining to deserve a fresh instalment of powers would grind that individual down between them. Responsible government implies the power of taxation, it also should imply the power of retrenchment. You expressly bar this privilege, even to the extent of criticizing the budget. The criticism of the budget is not of much value now, as not one of the suggestions is ever accepted, but there is some curious consolation for people in having a right, although it is a purely nominal right. You also incidentally shift the responsibility on to the government, as now, with the pretence of a discussion on the budget, the council may be said to pass the budget, then the odium would be entirely on the government. This, however, is not a situation for us to trouble over. But going back to the line of my argument you will concede that there is no people that relishes being taxed. Add to it the difficulty that taxation will not by any means be confined to one government, and whatever taxation is imposed by the popular government would not always be in furtherance of a policy. If you look at all this in conjunction with the fact that the odium of taxation would mainly



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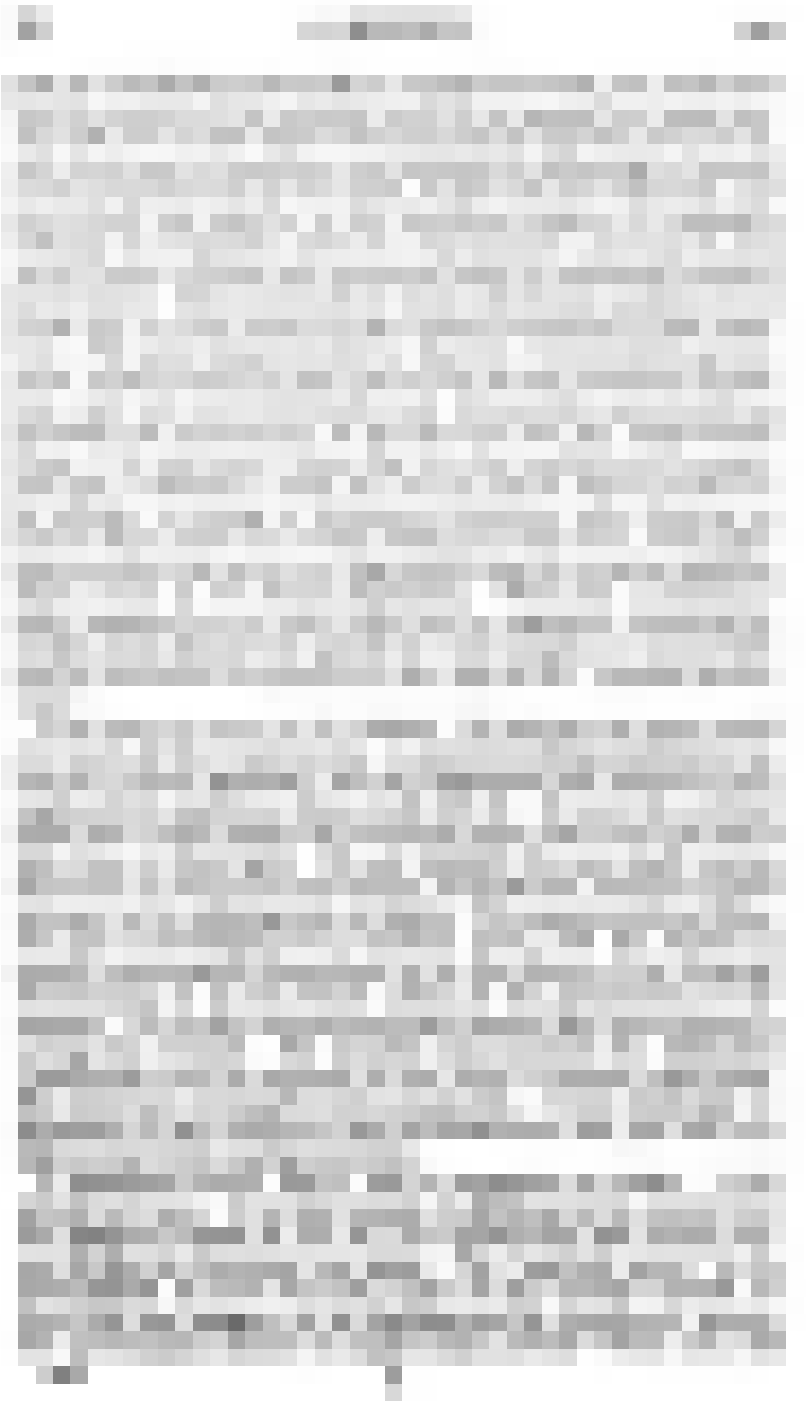
rest on individuals and would be exploited as such you would find that the position of the ministry would by no means be a happy one. You will also not lose sight of the fact that the popular government, with their want of experience, and without the advantage of smooth running departments at their back, would work less efficiently, and they would not only be in the invidious position of constantly suffering by comparison with the 'bureaucratic' government, but would invite criticism and opposition based on standards furnished by the latter. They would also be in the unfortunate position of not being able to effect improvements without resorting to fresh taxation. The great danger would be that the 'bureaucratic government' would develop or lapse into a more or less permanent opposition—and here you will kindly read bureaucratic government as including the bureaucracy in general and also the Anglo-Indian Press. I do not know if your stay here has enabled you to appreciate the 'missionary' work, if I may so call it, that is carried on by officials—in charge of divisions or districts—when they go on tour or when people of a certain class go to visit them. This agitation is neither less active nor less potent than the popular agitation which comes in for official displeasure. With this 'missionary' body organized as no other body can be organized, throwing the weight of its disapproval against us I can imagine an innumerable host of difficulties cropping up in the way of the 'popular government'.

I am sorry to seem to be critical. No scheme on paper could ever meet all the requirements. A smooth working machinery can only be evolved gradually, and all suggestions are bound to have angles which experience alone could rub off. It is not in a critical spirit that I have written the foregoing pages, and I hope you won't take them in that light. We are thankful for any small mercies that come our way, and your scheme, if introduced, would be a great advance on the existing state of affairs. The present political situation has unnecessarily been rendered acute, and the tension is equally unnecessarily being kept up by the silence of the Imperial Government as to the future policy of the government of the country. We would welcome any step forward and your scheme is a long step forward. My remarks only represent the difficulties I anticipate, and an anomaly or two which I suspect might arise. My views have necessarily to be amateurish. I have absolutely no experience of the working of the administration, and you will keep this in mind while reading my letter.

I mentioned above that I had a suggestion to make. I will advert to it now. It is that instead of splitting up the council into two distinct entities as you do, you should keep the council one, and divide the functions into parts. The 'reserved power' to be administered as now—but the voice of the council—elected on lines that you suggest—to be binding *qua* the transferred powers. The government should set apart some powers—which you call



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transferred—and in dealing with these the council should be autonomous, i.e. should be given the power to bind the government with its decision. The minister in charge of these powers should be the nominee of and responsible to the council. The method of transmission of powers periodically should be the same as you suggest. I will concede at once that this is not instituting responsible government in the strict sense. But the advantages I foresee are that it will not necessitate so many dissolutions and that it will give us a permanent opposition—for the time being in the shape of the officials. It will help to keep the elected element together, till such time as a spirit of party government has had time to develop. For the exercise of control over the transferred powers the members of the council will inevitably fall into groups according as they are progressive or are more cautiously inclined. The electors will have that criterion in view in giving their vote to one or the other candidate. The responsibility for the administration of the transferred powers will have been brought home to them by the time they seek re-election and their conduct could then be pronounced upon. All that I claim is that this would give the members a period of probation in responsibility. After the thing has worked for twenty years and two or three groups of powers have been made over to them, people will acquire the necessary habit of mind, and a certain difference in temperaments will appear along which a party spirit can crystallize.

Here I should like to mention the qualifications I would suggest for a franchise. I would give a vote to

(i) Every master of arts or a person holding a corresponding degree.
(ii) Every graduate of three years' standing.
(iii) Every person assessable with income tax.
(iv) Every person paying government revenue to the extent of Rs. 500 a year or over.

For the present I would give the vote to men only. But I would allow every woman—qualified according to one or other of the above heads—to be brought on the roll of electors if she applied to be so entered. I need hardly say that I would not give more than one vote to any person.

No. 2. From an Advocate

Para. 12.

The great merit of the scheme proposed over some of the other schemes is that it avoids jerks during our advancement towards the final goal. But I submit that the transformation of the Indian Council into a representative body should not be postponed for the following reasons:

The functions of the Indian Council and the Provincial Council will (1) either overlap each other, or (2) without overlapping they will

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be so connected as to make co-operation between the two necessary in order to ensure success in the administration of the country, or (3) they will be quite separate and unconnected with each other. In cases nos. 1 and 2 the Indian Council, practically representing the bureaucracy, will not be able to co-operate with a Provincial Council representing the people and responsible to them, as an Indian Council which is itself representative of the people would. In case no. 3 there should be no difficulty in one set of people's representatives managing the Provincial affairs and another set managing the Imperial affairs. The illustration taken from military organization does not apply, as in the case of the movement of a battalion each individual has to move with the company and with the battalion simultaneously, while in the case under our consideration all that the people (the electors) have to do at about the same time is to elect two different sets of men for different purposes, and if both sets are competent (and there is no reason to believe that we can get competent men for one kind of work but not for the other) there should be no difficulty. On the other hand the two Councils will be in a better position to work in harmony.

Para. 26.

In this paragraph the necessity for nomination is assumed. It is submitted that if there be any section of our population, no member of which is able to think and form opinions on public affairs, they can have no opinion to voice, and they need not be represented. But even if a small number of them have opinions which need be voiced they should be allowed to choose their representative instead of one being chosen for them by others. Such a representative need not be a member of this section of the population.

Para. 34.

How is the judgement about the success and failure of the arrangement to be arrived at? Can it be said that the people can confide in the Government of India as at present constituted for judging the result of the arrangement? It will certainly be difficult for the Government of India representing the bureaucracy to act as an impartial judge. The recent speech of Sir M. O'Dwyer in the Imperial Council shows the frank attitude of the bulk of the Indian Civil Service towards the idea of self-government in India. I am not ignoring the fact that there are conspicuous exceptions to this, specially in our province. But I believe that the attitude of the majority of the members of the Civil Service is the same as that of Sir M. O'Dwyer. The utterances of the Anglo-Indian newspapers, who chiefly represent the bureaucracy, prove the same thing. The faults of the new Government will be magnified and their achievements will be minimized. A Backrid or Mohurram riot (which are not unusual under the present régime) will be pointed out as proof of the inefficiency of the new régime.

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Provision should be made, in order that, when the Government of India expresses an adverse opinion on the work of the new Provincial Councils, some other body (e.g. a Parliamentary Committee) may judge its work.

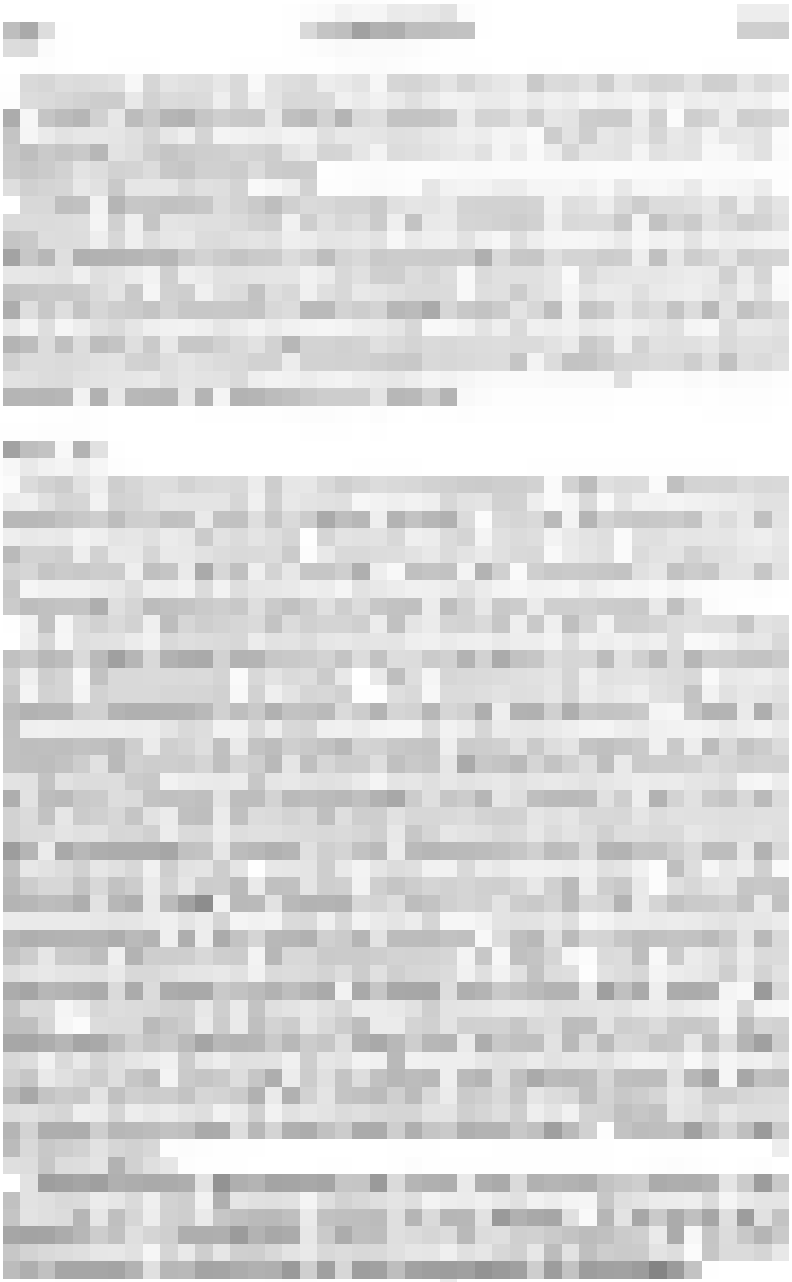
If the Provincial Council's power of taxation is to depend on the sanction of the Imperial Council, the necessity of the latter body being transformed into a body representing the people, on the lines proposed by the Congress and Moslem League, becomes evident. If the Imperial Council is not so transformed, the two Councils may not be able to work in harmony with each other, just as the official element and the people's representatives in the existing Councils are unable to work in harmony at present.

Para. 43.

Under this scheme the power of legislation which a Provincial Council will have will be rather meagre. These limitations to the powers of the Provincial Councils will make real autonomy in a Province too slow a process. And the procedure which the Provincial Council will have to follow will be a cumbrous one.

As I have already submitted, the success of the scheme will to a very large extent depend on the co-operation, help, and goodwill of the Government of India. The Government of India as at present constituted represent none but the bureaucracy. That the bureaucracy will be unwilling to part with their power is natural. I believe that voices such as have been disclosed in the recent speech of Sir M. O'Dwyer will predominate in the Council of the Government of India, with the result that there will be no harmony between the representative portion of the Provincial Government and the Government of India, and the whole scheme may fail. The India Councils Act, 1892, was passed in order to concede the principle of representation to the people by election. But the rules under the Act were framed by the Government of India. And I may be permitted to quote what Mr. Gokhale said about these rules. He said : 'In regard to these rules, I will not say that they have been deliberately so framed as to defeat the object of the Act of 1892, but I will say this, that if the officer who drafted them had been asked to sit down with the deliberate purpose of framing a scheme to defeat that object, he could not have done better.' The same may be done again.

Representative government can have real success or failure only if it can act with freedom within its own sphere. If its work is to depend to a considerable extent on the co-operation of another Government, it should not be held responsible for its failure.



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No. 3. From an Educated Member of the Depressed Castes in Southern India

I am not satisfied that a democratic form of Self-Government ought to be the trend of political evolution in India, but accepting that as the goal, I would have your proposal of progress by instalments of a Department or two at a time, as representing the second stage. The preliminary step should be a rapid expansion of Local Self-Government. Parliamentary institutions have not proved much of a success where the people have not been previously trained in the management of local affairs, as for example on the continent where their comparative failure has been correctly attributed (by Professor Gneist) to the fact that local Institutions were not copied from England when the machinery of the central government was reproduced. I believe the same fate will overtake Indian Parliamentary Government, if it is not preceded by measures to train the people in Local Self-Government. Local and District Boards should first be reconstituted on an elective basis and freed altogether from official domination. They should have the control of Primary and Secondary education and of local dispensaries and local sanitation. I would go further and revive the instinct of co-operative effort still latent in the village, and towards this end I would entrust the village assembly with the collection of the Revenue. I would also give it the power to levy a small cess to spend, along with a grant equal in amount, in repairing village roads and tanks. The privilege would be conceded only to such villages as maintain a school of their own.

This is the conclusion to which your line of argument leads me. If, as you reason, the provincial Government are no more than the instruments of the Government of India, the District officials are quite as much the limbs of the central authority. As with so many other things introduced into India the growth has been from above downwards. If that process is to be reversed, we should start not at an intermediate stage like the provincial Government but from the village and the district. The revival and expansion of local and municipal institutions on an elective basis will alone give the people the opportunity, which they now lack, of returning to the legislative councils members who are their natural leaders, and whose capacity and integrity have been tested by the part they played in the management of local affairs. Till that opportunity is provided and availed of, the legislative councils should continue as advisory bodies. The official vote should be retained but reduced to a minority, four-fifths of the remaining number should be elected, the rest being reserved for the representation by nomination of backward communities. When the time for an instalment of self-government arrives the first departments to be assigned should be Education, Local and Municipal Departments, and that dealing with religious endowments and charities. Agriculture, Archaeology, and the Museums do not

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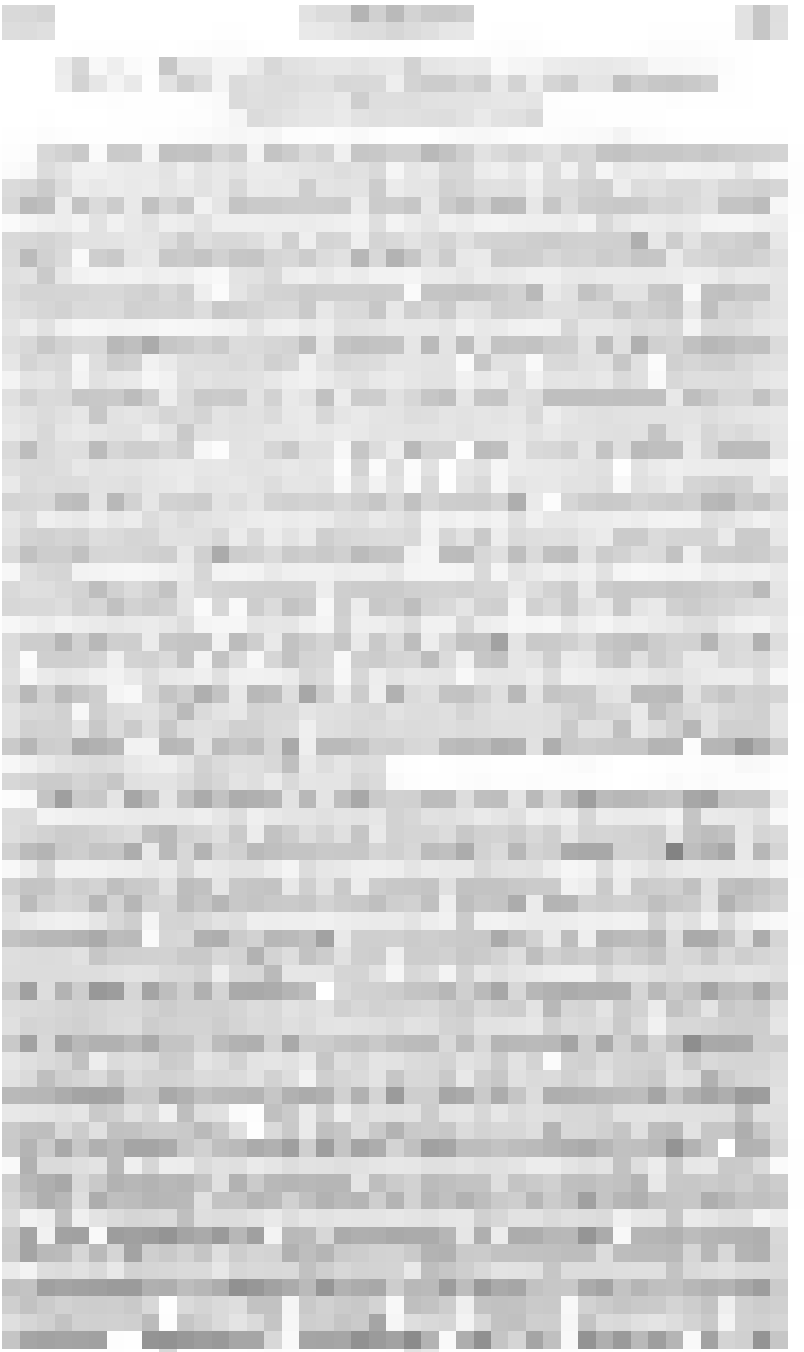

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Summary of Conclusions reached as a Result of the Study of the Problems raised by the demand for Home Rule.

I. The governing apparatus of an urban civilization is unsuited to the requirements of Indian civilization, which is still rural and largely spiritual.

II. Neither the British nor the educated Indians are competent to decide the form of responsible government in India. The former are too self-assertive and too self-confident, and the latter too imitative. What form responsible government should take in India should be decided by the people themselves, throbbing with a genuine nationalism, not the blatant nationalism of the press and the platform which is little more than a demand for a re-arrangement of Indian Society in which the educated classes wield the predominant influence.

III. Every effort should, therefore, be made to revive Indian Nationalism on lines in consonance with the social and religious ideals of the people, and with due regard to the serious limitations imposed by climatic conditions on the standards of work and discipline and physical efficiency by

1. The grant of a full measure of local self-government on the lines obtaining in England. Local and District Boards should be absolutely freed from official domination.

2. The revival of the village assembly and entrusting it with the collection of revenue, the detection of encroachments and crime, the care of communal lands, tanks, and roads. The village officials should be the servants of the assembly. It should have powers to levy cesses or their equivalent in labour for the maintenance of a primary school, of village roads and tanks. The funds so raised should be supplemented by a grant from the District Board or from the government or from both. The assembly should be liable to fine or other suitable punishment for failure to discharge properly their duties.

3. The re-formation of provinces so as not to divide between two or more of them people with ethnic and linguistic affinities.

4. By restoring ancient dynasties wherever there are evidences of a distinctive culture, tradition, and art.

5. By nationalizing education by (*a*) insisting on a knowledge of Indian history, Indian sociology, and Indian religion on the part of teachers; (*b*) drawing off early to institutions specially created for the purpose students who desire to qualify for government service;

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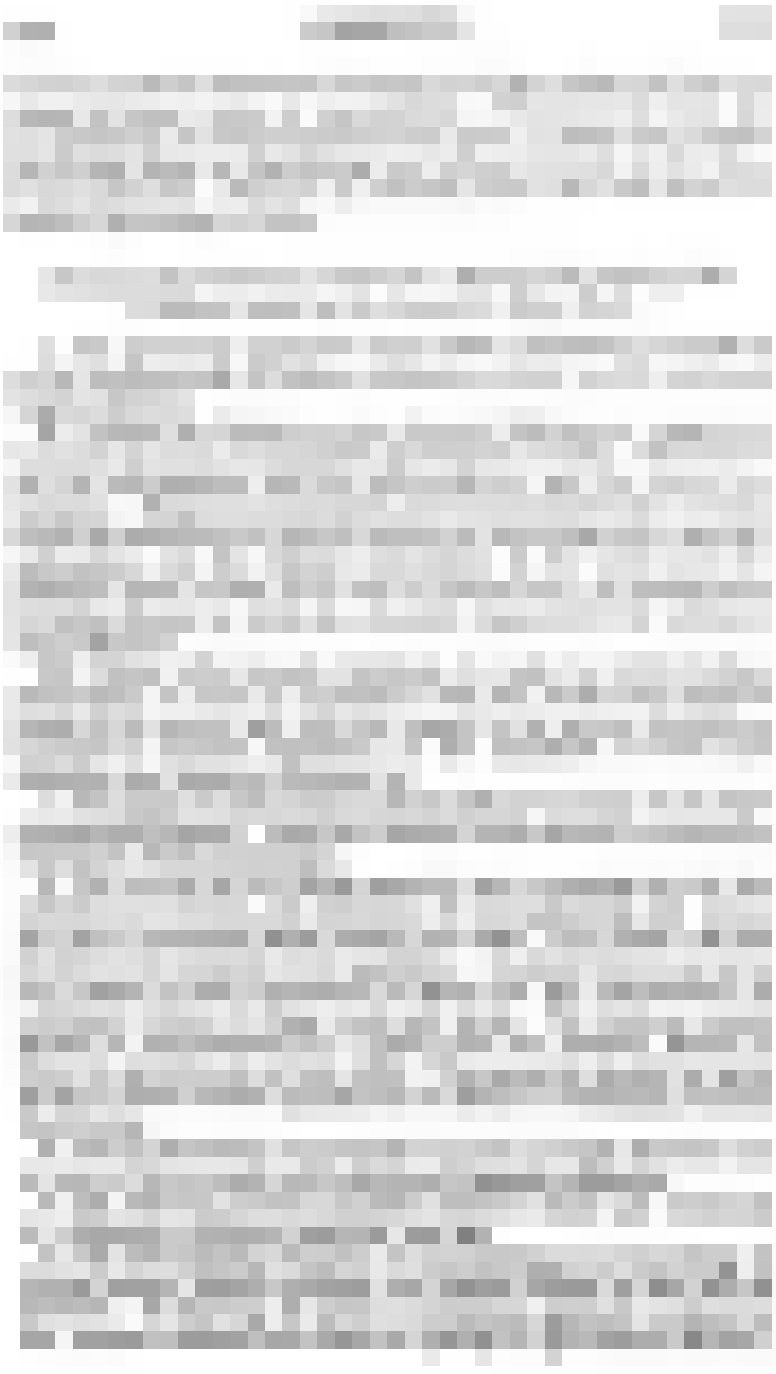

(*c*) as far as possible employing Indian agency; (*d*) encouraging the production of vernacular literature; (*e*) instituting research scholarships in oriental sciences and arts as Architecture, music, painting, medicine, sociology, eugenics, &c.; (*f*) introducing compulsory education on the line of Mr. Ghokhale's bill.

6. By constructing public buildings as far as possible in the Indian style of Architecture.

7. Reducing the poverty of the people by (*a*) reducing the pressure on land by encouraging handicrafts on the lines hand-loom weaving has been encouraged, and by establishing polytechnic schools; (*b*) preventing the minute sub-division of land; (*c*) the consolidation of holdings; (*d*) increasing the security of tenure; (*e*) lessening the severity of usury laws.

8. Restoring the human touch in the administration which is now much too scientific and German in its thoroughness.

9. By recognizing in all matters that India has been in permanent insurrection for ages against the principles of the strenuous life and free competition, and cannot therefore rapidly adjust without suffering and demoralization to the forces of British Individualism.

IV. The establishment of local self-government on the lines set forth above will for the first time provide the people with the opportunity of testing the capacity and merits of those who seek election to the legislative councils. Till an intelligent electorate is established and genuine nationalism revives, the legislative councils should continue as advisory, but the number of elected members should exceed the number of official and nominated members together, minorities and backward communities being represented by nomination. An upper chamber should be constituted to represent the more conservative elements in society. Bills relating to social reform, inheritance laws, and religious and charitable endowments, passed by the two chambers, should have the force of law, subject of course to veto by the Governor-in-council.

V. The Imperial Legislative council should be constituted on the same lines as the provincial councils.

VI. The functions of the Secretary of State's Council should be taken over by a Committee of the House of Commons consisting of members who at the time of nomination have been in residence in England for at least ten years previously, the qualification not being insisted on in the case of the Indian members, who should number at least five.

VII. The European element should continue to predominate as at present in the Civil Service, but in all other services should be rapidly reduced.

No. 4. From a Teacher

1. I quite agree with your views in the main. I think you are extremely fair and open-minded. You sympathize with Indian political aspirations and desire to see India have as much self-government

(*c*) as far as possible employing Indian agency; (*d*) encouraging the production of vernacular literature; (*e*) instituting research scholarships in oriental sciences and arts as Architecture, music, painting, medicine, sociology, eugenics, &c.; (*f*) introducing compulsory education on the line of Mr. Ghokhale's bill.

6. By constructing public buildings as far as possible in the Indian style of Architecture.

7. Reducing the poverty of the people by (*a*) reducing the pressure on land by encouraging handicrafts on the lines hand-loom weaving has been encouraged, and by establishing polytechnic schools; (*b*) preventing the minute sub-division of land; (*c*) the consolidation of holdings; (*d*) increasing the security of tenure; (*e*) lessening the severity of usury laws.

8. Restoring the human touch in the administration which is now much too scientific and German in its thoroughness.

9. By recognizing in all matters that India has been in permanent insurrection for ages against the principles of the strenuous life and free competition, and cannot therefore rapidly adjust without suffering and demoralization to the forces of British Individualism.

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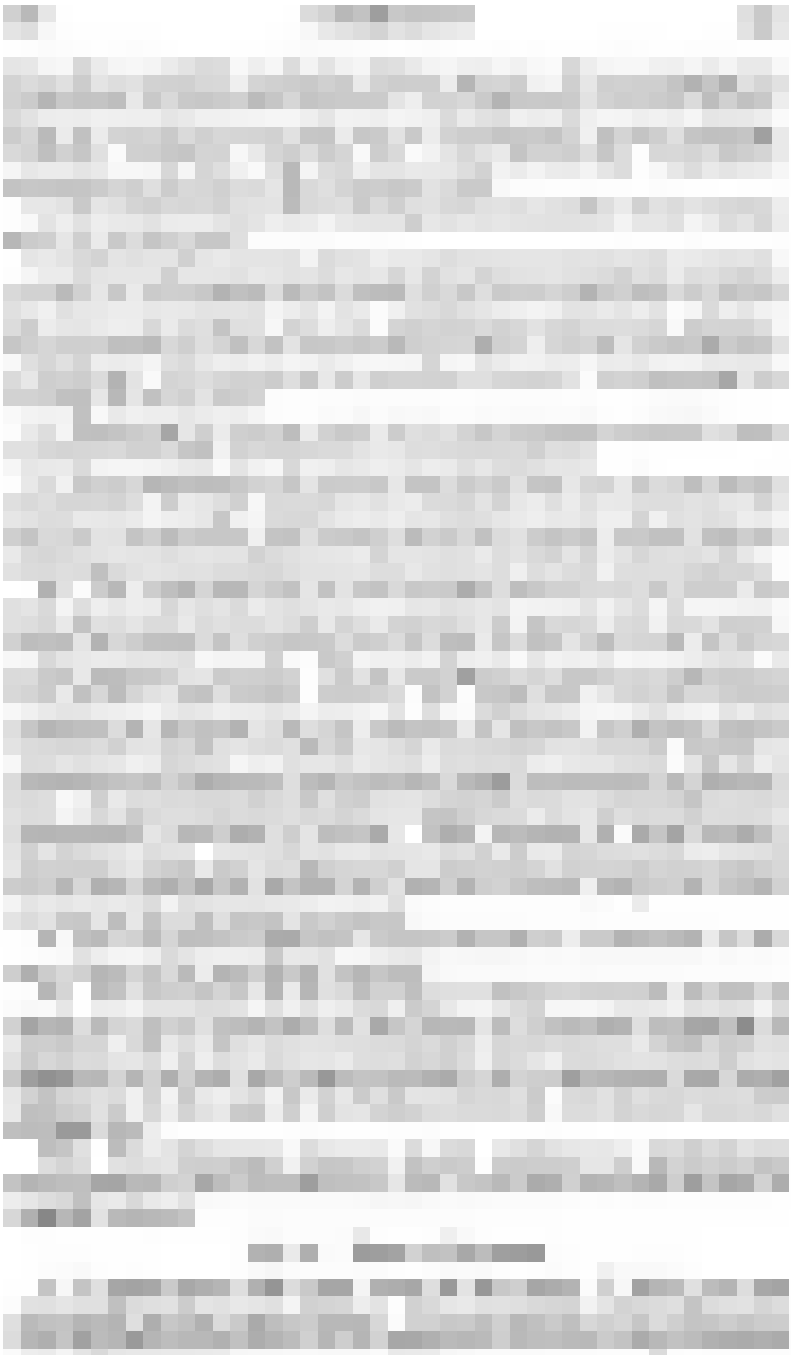

as she is capable of. The details of a great political principle can only be worked out in the light of actual experience. In the meantime one can take advantage of the lessons of history and propose measures tentatively.

2. What you say about the imperial parliament for the imperial business of the whole commonwealth seems to me very well considered. There is no doubt that the present parliament is too busy with national (and provincial ?) affairs and has little time to deal properly with imperial problems. An imperial parliament, therefore, will be a most useful institution. But I must frankly confess that the position of India in it may be such as neither you nor Indians themselves may desire. As long as there is a conflict of colour there will be a conflict of interests. The Colonies on the one hand and India on the other may have contrary interests, and even though India has her own representatives in this parliament her voice obviously cannot be as strong as that of the Colonies put together. I am writing without the least reserve, and I don't hesitate to give expression to my fears. My fear is that there is a real danger of the white races exploiting India. So far as the attitude of the Colonies to India is known to us, we cannot call it altogether friendly. An imperial parliament cannot at once change this attitude, nor can it make all these interests one. Of course such a parliament may lead to a better understanding between the Colonies and India ; but who is to guard the interests of the weak ? Under the present system the British Parliament is regarded as impartial to all the Colonies and dependencies, and India can turn to them for the consideration of her rights and for the redress of any wrong.

3. It is very encouraging to find that the principle of self-government for India has been recognized by political writers like yourself. No sane man will, however, think that India must have self-government to the fullest extent at once. What educated Indians are claiming is that they should be trained in the art of self-government and that they should be given as much self-government as they deserve. Now the question is, how to train them and how to find out what measure of self-government they deserve. The solution of both the problems is one, namely, give them a small share of real self-government at once, and if they acquit themselves well, give them more. This will not only train them, but will also show what they are capable of. Your views are not different from this. But the details which you have proposed will, I am afraid, involve many practical difficulties.

4. The Provincial Legislative Councils exercising the ' transferred powers ' will find themselves in a very awkward position. They will be under a double responsibility ; they will be primarily responsible to their constituencies and secondarily and indirectly to the National Government and through it to parliament. These two latter will judge their work and will either transfer new powers or recall the transferred powers. I am not fully convinced that the double

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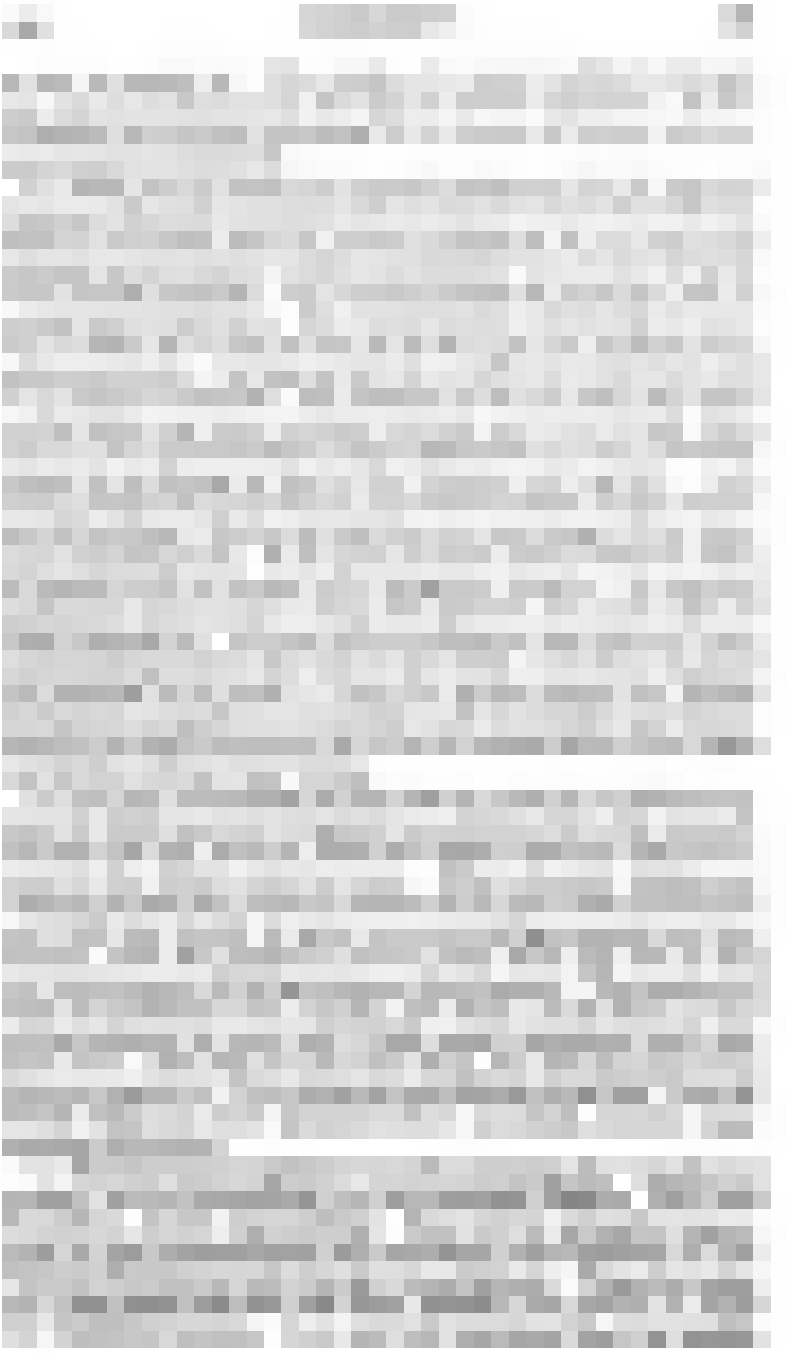

Government (British and Indian) which you have called a 'dyarchy' will suit Indian conditions. Of course a National Government (I mean the Government of India as constituted at present) and Provincial autonomous Governments may work side by side quite satisfactorily. But two Provincial Governments, the one with certain 'reserved' powers and the other with certain 'transferred powers' may find it difficult to adjust each to the other. It is only possible when there is unstinted sympathy on the part of the present rulers and full confidence on the part of the Indian people. If the rulers are not perfectly ready to see India get self-government as soon as possible, they will not, it is natural to suppose, afford as much help as the Indian Council with transferred powers may need. It will be difficult if the rulers take up a merely critical rather than a sympathetic and a friendly attitude. I am convinced that there are some individual Anglo-Indian rulers (it is difficult to say anything about their proportion) who are absolutely sympathetic and friendly. But that does not prove that the Provincial Governments will be equally so. It will be disastrous if the transferred Government and the Police are hostile. I specially mention the Police because there have been cases in which groundless suspicions not only put impediments in the way of really good pieces of work, but have made them nearly impossible, by means of espionage and petty prosecutions quite natural to Government but very objectionable all the same. I feel, therefore, that the most effective way of granting self-government is to make the present legislative councils stronger and to give the Indian members more executive powers and greater responsibilities. Instead of starting a new and distinct self-governing Council in each Province it is better to provide the present provincial Governments with a larger and more real element of Indian co-operation. For instance, you could have a larger number of Indian members on the executive councils. You could also grant tentatively more powers to the non-official members. If experience showed that they deserve them you could have more Indians in the executive councils and grant to the non-official members more powers. If on the other hand they failed such powers could be recalled. What I should like to see is a fair chance for them to show their ability in the art of government.

5. There is another difficulty which I want to mention. The members of civil service, Imperial and Provincial, and officials of other departments will remain, under the system you propose, servants of the Government of India and the Provincial Governments. The Provincial Indian Councils with transferred powers will perhaps have nothing to do with their appointment, promotion, and dismissal; and the council which will use them as instruments will have the same difficulty in managing affairs as a power finds with borrowed labour from his neighbour. I do not know how much loyalty these councils can expect from these officials. Of course, they may select their own heads of departments and the heads may

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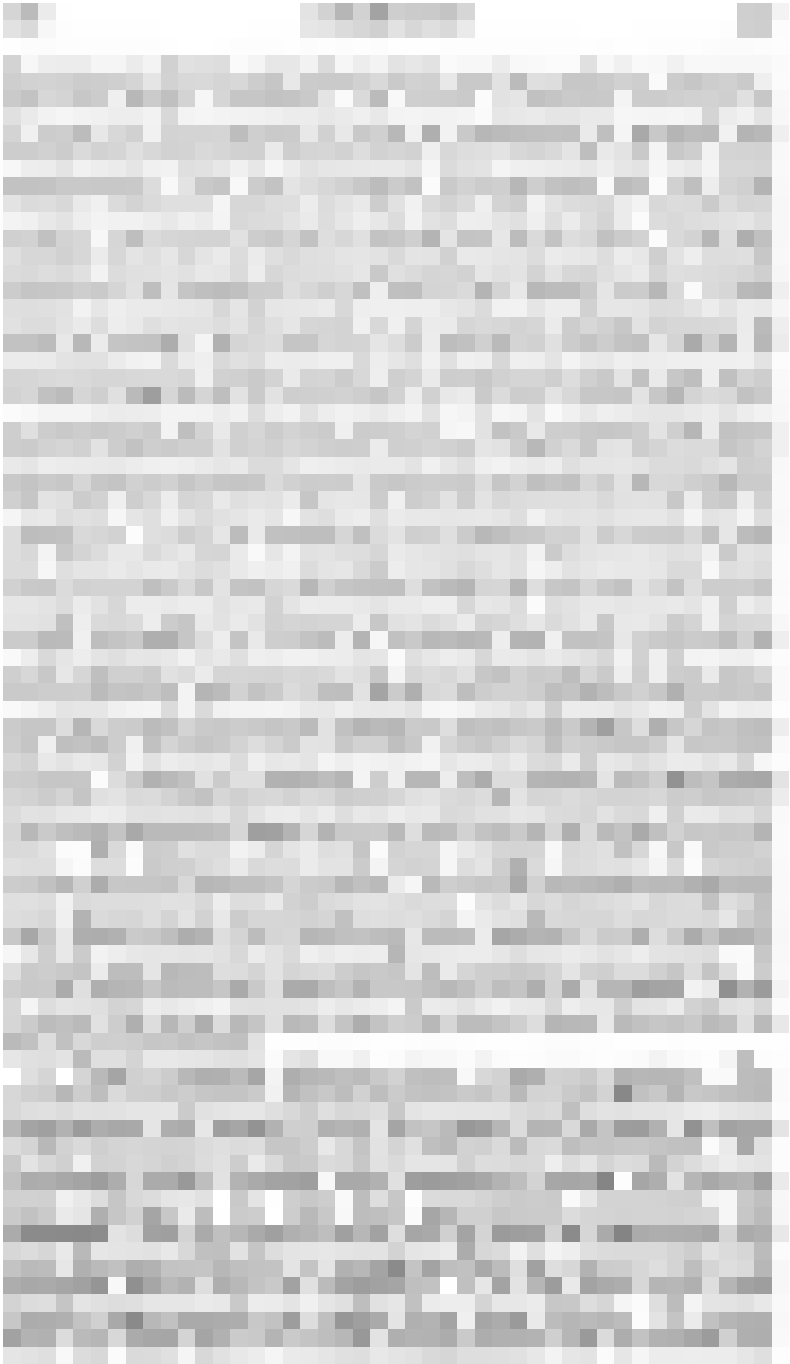

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6. What you propose is not altogether new in India. The Indian Municipalities and the District and the Local Boards are to a certain extent self-governing institutions. But in most cases a Government official who is supposed to guide and help them unconsciously or consciously usurps all powers and local self-government becomes a misnomer. I am not competent to pass an opinion on the working of these self-governing Bodies; but I feel sure that a study of these institutions will throw considerable light on the scheme you propose.

7. I entirely agree with you that the principle of self-government should work from the bottom upwards and not from the top downwards. I strongly agree with you, therefore, in thinking that it is the provincial Governments which should be tackled first. These Provincial Governments as at present existing must be quite autonomous with regard to certain definite powers, and there should be an attempt to introduce a gradually increasing responsible Indian element. And here will be the beginning of Indian self-government.

8. I am now a convert to the principle of direct representation. We may have, as you propose, a list of qualified voters for each province. Care must, however, be taken to make the list as full as possible. Qualifications must definitely be laid down and there may be a special tribunal to judge the qualifications in doubtful or contested cases. But I should not leave it entirely to Government officials, nor to any section of the community.

No. 4 *a*

The following is a record of a discussion which took place on the above memorandum between three Englishmen and four Indians, including the author of the above memorandum. None of the persons taking part in this discussion were members of the public services.

X was pressed to put into concrete form his fears of what might happen if an Imperial Parliament such as is proposed by Mr. Curtis were constituted. It was supposed firstly that with British illogicality such a Parliament might be given control only over the external affairs of India as in the case of the self-governing units of the Empire, and that India's internal affairs might continue to be subject to a Parliament responsible to the electors of the United Kingdom. X stated that under such a system the only fear he would have for India would be that she might be over-taxed for purposes of Imperial Defence. On its being pointed out that assessment for such purposes could never under any system be made to depend on votes but would have to be fixed by some more or less automatic method such as that proposed in *The Problem of the Commonwealth*, X withdrew this point.

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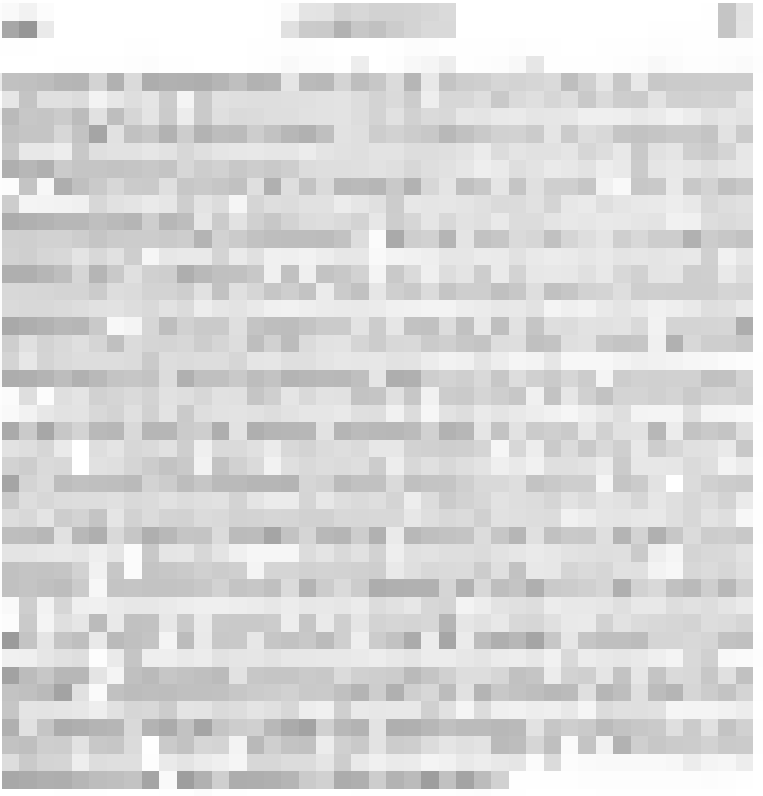

for India if her internal affairs also should be controlled by such a reconstructed Imperial Parliament. He mentioned two. (*a*) That the Colonial representatives would be less sympathetic towards Indian aspirations than a wholly British Parliament. The three Englishmen present and Z strongly disagreed. The other Indians present preserved an open mind on the point. (*b*) That in matters of trade and commerce there might be conflict of interests between the Colonies and India and that in consequence in matters of tariffs, &c., India might suffer. It was urged in reply that this would be much less likely to happen than at present because (1) the Colonies are so widely separated geographically that it would be very unlikely that all their interests would jump together, and in fact the united Indian vote might easily in matters of Indian tariffs and trade find itself in the position of the Nationalist party in the House of Commons, i.e. able to turn the vote in favour of either side. At present it is simply British interests and Indian: result, vide e.g. the cotton excise. (2) Britain is committed to Free Trade and has imposed Free Trade on India against her wish. The Colonies would sympathize with her desire for protection. The meeting generally adopted this view. It was admitted by all that the dangers mentioned by X would exist; and it was agreed that if any scheme such as that outlined in Mr. Curtis's letter were introduced, (1) it would be necessary that the scheme should be drawn up to its very smallest details by Parliament so as to leave as little room as possible for variation and obstruction by the Civil Service, and (2) it would be desirable that L.G.'s, as well as Governors, should be appointed from outside India. It was, however, generally agreed that no scheme of reform anywhere ever had been or would be without difficulties and dangers, and that this particular scheme did seem to be workable. Some of those present also felt that X was perhaps inclined to exaggerate the dangers. Y especially wished his opinion to be recorded, that among the first set of 'transferred' departments there should be at least one which would arouse popular enthusiasm and suggested Primary and Secondary Education. He also wished it to be recorded that in his view, concurrently with the introduction of this scheme, the official Government should also be gradually more and more leavened with Indians, especially in the Executive Councils, thus giving them opportunities for administrative training. Others felt that all the best men would be needed for the 'transferred' Governments. With regard to X's alternative suggestions it was pointed out:

(i) That taking more Indians into the Executive Councils would give training in administration but not in responsible government, for which quite a different kind of training,[1] viz. that of responsibly governing, is required.

(ii) That enlarging the number and powers of the non-official members of the Legislative Councils would be giving power without responsibility, which would be most undesirable.

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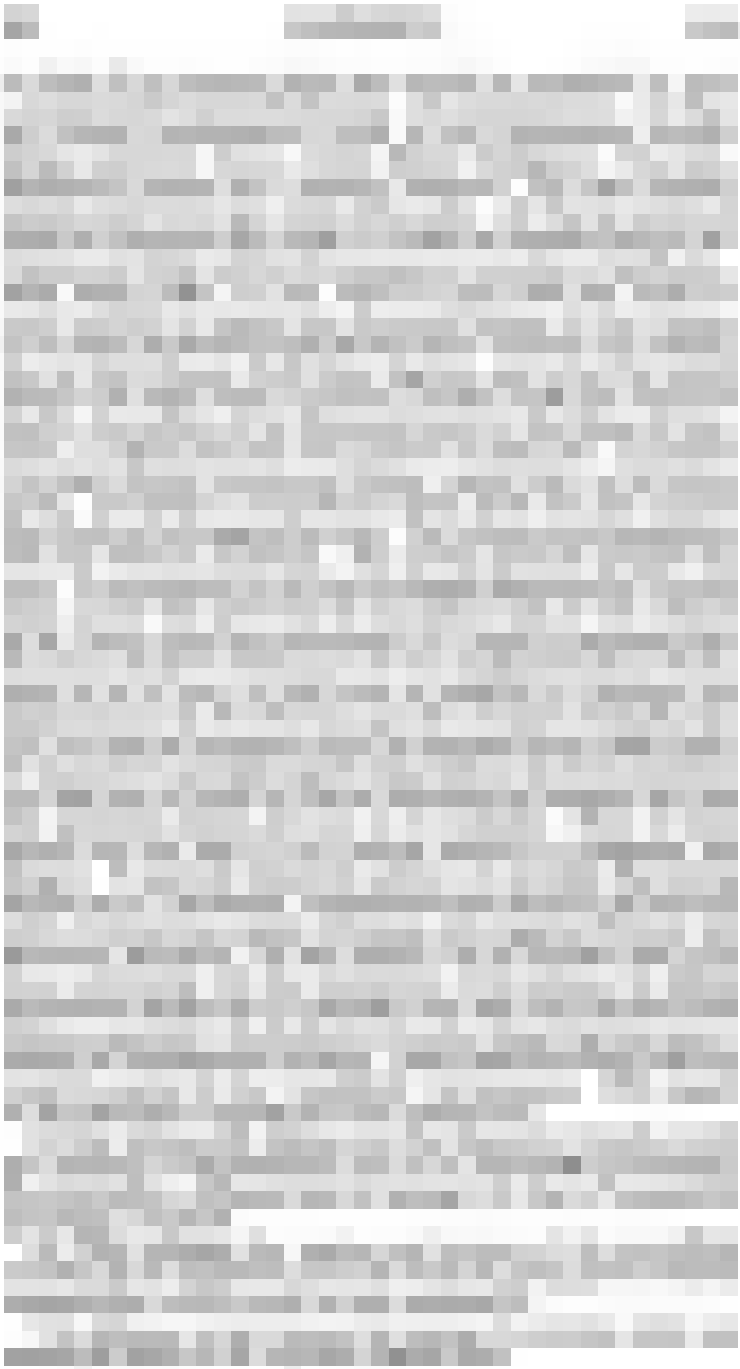

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X admitted that his scheme would be unworkable. It was generally agreed that Mr. Curtis's was the only scheme of advance towards responsible government put forward so far which seemed to be workable.

All present agreed in urging very strongly that Mr. Curtis should study the working of Municipalities in India.

No. 4 *b*

Separate Note by Y, one of the Indians above mentioned.

Self-government in the complete form will take a very long time to come. The question, therefore, is what can be done now and in the meanwhile towards the destined goal of self-government.

A charter such as suggested by Mr. Curtis may be promulgated. But more than this would be needed to meet the situation.

For the purpose of training individuals in the practical administration of the country more Indians must be introduced both in the Executive Councils and in the Indian Civil Service. What is wanted is closer association on terms of equality—and in this way making the government a national government.

Further, that steps should be taken to introduce the Indian into the ranks of the Officers of the Army holding the Royal Commission. High Military training should be afforded and also equal rank and status given.

In this way individual ability will be trained and developed throughout the country; and then as we grow ripe for responsible government, i. e. responsible to our own people in the full sense of the word, self-government will come and we shall be ready to undertake it.

To attain the latter Mr. Curtis's plan is excellent. It will probably come only in this way when it does come. But at present, as far as I can judge, the country will be slow to agree to it; and the scheme may fail on account of reasons suggested by X. My belief is that we must first attempt to make the government national by making the personnel of it largely national (Indian), and as we do this we must proceed to take steps to make it responsible to the people of India in the way suggested by Mr. Curtis—till we have attained full self-government.

The need of an Imperial Parliament for External affairs is clear. The development of a national (Indian) government and of self-government on internal affairs is a sacred duty. Connexion with the British Parliament may still go on during the interim, i. e. before full self-government comes.[1]

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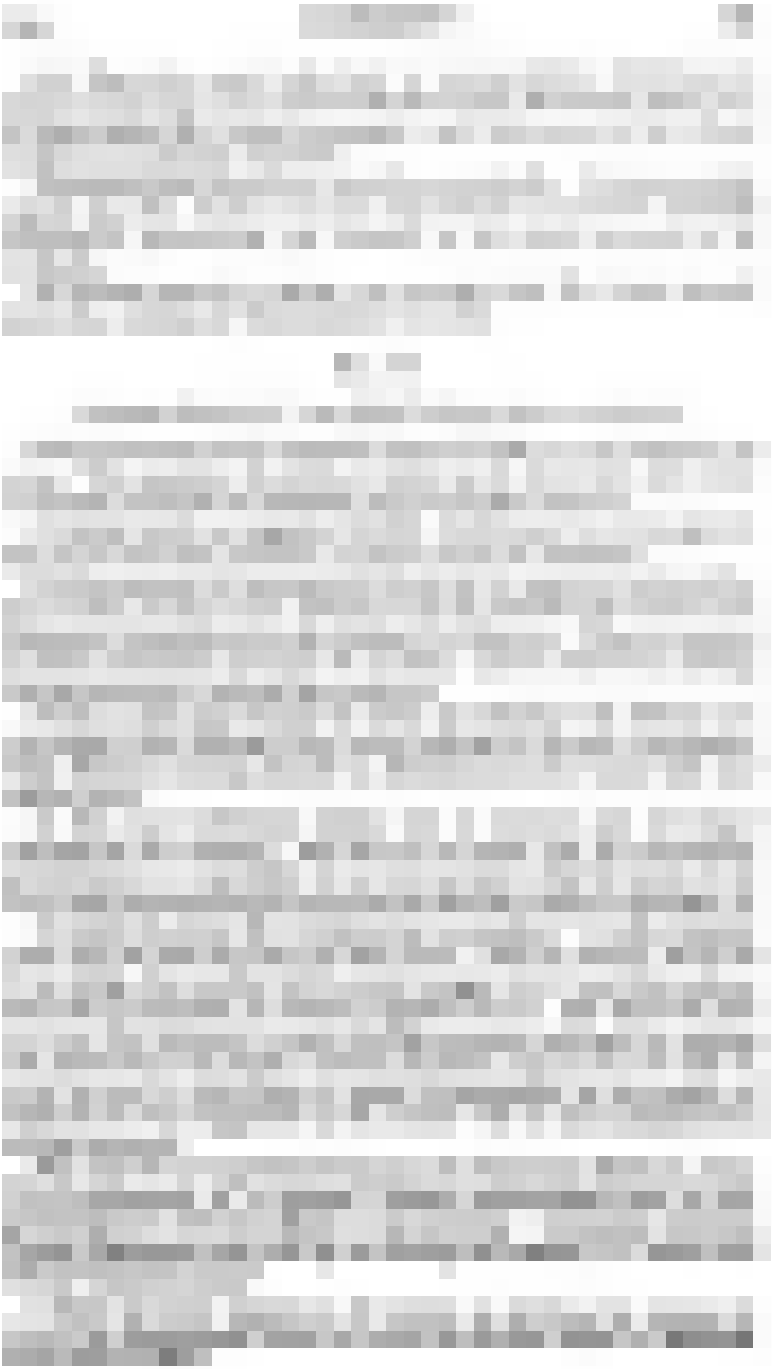

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Comments by Europeans not in the Service of Government.

No. 5. From a Teacher

In submitting these 'notes' and criticisms on your scheme for the gradual introduction into India of some form of self-government, I will first give you a statement as to what qualifications I have for doing so.

I have lived now for three and twenty years in India, all of which have been passed in the United Provinces. I have of course wandered about a good deal, in Kashmir, Quetta, Mysore, and the Central Provinces, but what remarks I may make are mainly based on my knowledge of the people and conditions of Northern India.

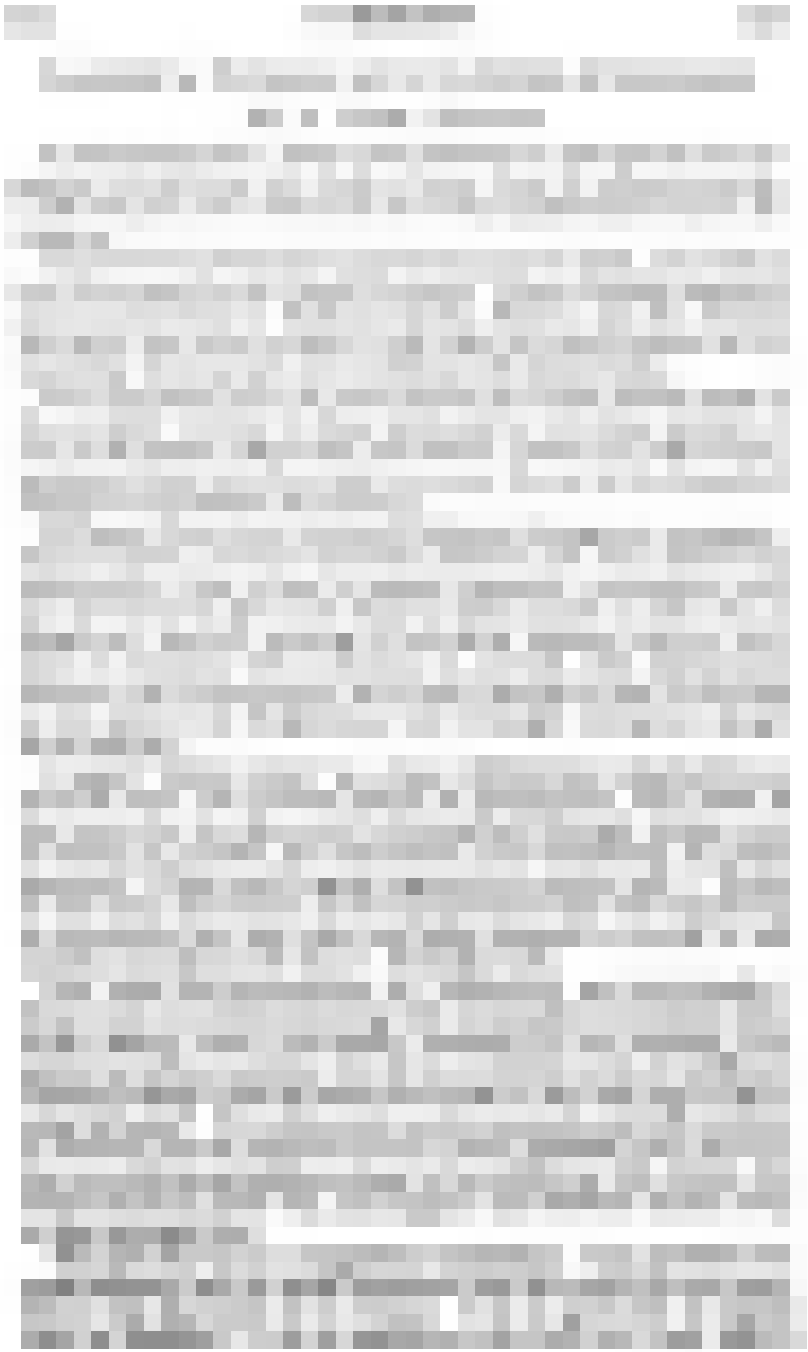
As a non-official who can count among his Indian friends most of the so-called 'leaders' in these parts, and a very large number of men of all classes, official and non-official, I have been able to get, perhaps at least as well as most men, some idea as to the hopes and feelings of our Eastern dependency.

For years I have been convinced that great changes are necessary: that to ignore, or sneer at Indian claims is not only useless but mischievous: that refusal to grant reasonable concessions, until you are forced to give more than is either needed or asked for, is dangerous: that the treating of individual Indians, however well-born or educated, with contempt, or, at best, with half-amused tolerance and condescension, is not only showing a lack of breeding on the part of the Englishman, but is fraught with grave danger to the Empire.

I regard 'Indian unrest' as a huge artificial lake contained by an immense dam—the present system of government. The water is too heavy for the dam, and is forcing itself through chinks, ever increasing in number and dimensions, and threatening its entire structure. What would a good engineer do in such a case? Would he not either divert some of the immense flood that was threatening to overwhelm him, into other and safer channels, or would he not entirely reconstruct the dam? Probably both.

But what does government do—collectively and individually? Does it not run about bestowing little meaningless concessions here, feeble flattery there, lamentable weakness at one moment, misguided severity at another, for all the world like a lot of indifferent masons putting in bits of stone and mortar in the vain hope of stopping the leaks? For a time such a policy succeeds, and will continue to succeed, and the engineer lives in a fool's paradise; but, one day, the ever-widening breaches refuse to be stuffed up with rubble, the whole structure gives way, and engineer and staff are carried away in the universal ruin.

The Civil Service is a magnificent institution. It is probably the most efficient, and the most uncorrupt, that the world has ever seen. But it has the faults of its virtues. It is so good that it regards itself as infallible: it is so anxious to rule well and justly that it



Comments by Europeans not in the Service of Government.

No. 5. From a Teacher

In submitting these 'notes' and criticisms on your scheme for the gradual introduction into India of some form of self-government, I will first give you a statement as to what qualifications I have for doing so.

I have lived now for three and twenty years in India, all of which have been passed in the United Provinces. I have of course wandered about a good deal, in Kashmir, Quetta, Mysore, and the Central Provinces, but what remarks I may make are mainly based on my knowledge of the people and conditions of Northern India.

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imagines that every one else wants *to be ruled* well and justly, forgetting that most nations, on reaching a certain stage, would prefer their *own* rule, even if, for the moment, it involved a certain amount of retrogression.

The Civil Service, as it exists at present in India, is an anachronism. A civil service must of course exist in one form or another in every country. Whether our present system can, or ought, to be entirely scrapped in the very near future I doubt. The District Magistrate, as I have pointed out in a note, I regard as essential under existing conditions, but there are many other posts which could be done away with without many tears being shed.

The main outline of your scheme seems a sound one on which to work out details. As for your insistence on the great changes that will have to come there is no room for argument. Whether we like it or not, the Indian is going to have a bigger say. Shall we give him quickly those dishes that he can digest fairly easily, or shall we push him away from the table until, driven by the hunger of despair, he indulges in a surfeit of every course with disastrous consequences?

You will see that I have put on a plea for Education being handed over. As an educationist, I should not do so were I not, personally at any rate, unafraid.

NOTES

Para. 2. I quite agree that the present system does not ensure anything like adequate consideration of Indian affairs by the People of England through their Parliament.

This is very strongly felt by many Indians with whom I have discussed the matter. Failing an Imperial Council, on which India in common with the Colonies and Dominions should receive *adequate* representation, I think a return to something like the Parliamentary Committee is essential.

I strongly lean towards an Imperial Council because:

(i) India would feel she was on an *equality* with the other component parts of the Empire. Sentiment bulks more largely perhaps in India than anywhere.

(ii) Indians would meet Colonials face to face; each side could put its own views directly before the Empire; a sense of responsibility would be engendered with wider knowledge of the difficulties of others; and the fact that Indian questions had received a fair hearing would mitigate resentment should decisions, not perhaps altogether acceptable to this country, be arrived at.

N.B.—Indian representation must be *genuine*. The recent trio that went to England was probably about the best that, under existing circumstances, could have been selected, and yet not one of them was *really* acceptable.

(*a*) Sir James Meston is personally popular and trusted, but he represented the Bureaucracy, and, however well he might have so done, the Public feel that he *must* have been hampered by his official

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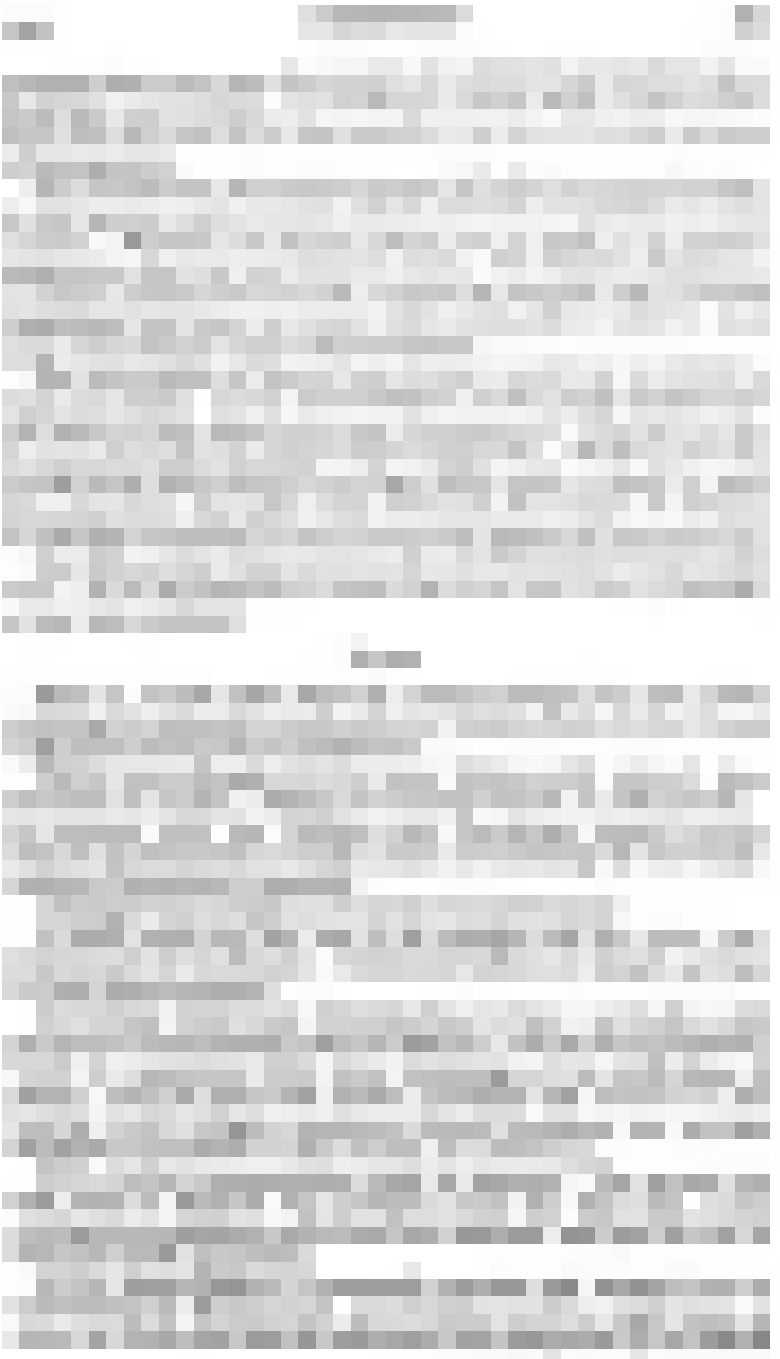

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(*b*) Sir S. Sinha was, it is true, a former President of the National Congress, but his Presidential Address gave much dissatisfaction. He had formerly, moreover, been a member of that very Bureaucratic Government, which Indian leaders are desirous of eliminating, or, at any rate, of profoundly modifying, and it is believed that he was selected as one, who, though technically a representative of the advanced school, was really little better than a Government servant.

(*c*) The Maharaja of Bikaner is regarded as representing the semi-independent chiefs and nothing else. The average Indian has no objection to a ruling prince being appointed, *provided* he is an extra member for the purpose of representing Native States as such. Probably they would prefer him to a European, official or otherwise; but it is thought that, by including him, a more direct representation of British India was excluded.

As already said it is probable that, under the circumstances, it would have been difficult to have made a better selection; but, for the reasons already given, no Indian with whom I have discussed the matter is altogether satisfied.

Para. 8. You have here hit one very prominent nail right on the head, and have explained the cause of a grave apparent injustice—a cause I have never before seen so clearly shown.

By an unfortunate delight in well-sounding phrases, coupled by an utter inability to see their logical application, the compilers of the Proclamation of 1858[1] have landed the Empire in a grave difficulty.

This declaration by Queen Victoria has been referred to as India's 'Magna Carta'. The spirit of freedom and equality which it breathes is one to which no objection can be taken in the abstract, but, unfortunately, in this prosaic world we deal with facts. Now one of the facts that was not clearly realized sixty years ago was that the so-called colour difficulty would arise in the colonies. At present India cannot realize that at the bottom this is an economic question. All she sees is that her sons, whether illiterate 'coolies' or educated gentlemen, are treated in certain parts of the empire as if they were no better than the African Savage. She would like to retaliate and cannot, and this is a bitter pill. It is this that has enabled men like Ghandhi, Andrews, and Pearson to get the support they have. I am far from suggesting that these people have not done good work, and brought many abuses to light; but I am fairly certain that, but for the goad of implied inferiority, the average Indian leader would not have worked at 'the cause'.

Hitherto, with her vast population and, in general, hot climate, India has been regarded as safe from immigration; but the very rapid increase of the Chinese in such towns as Calcutta and Rangoon, and the commercial penetration of Japan, which is being stimulated by

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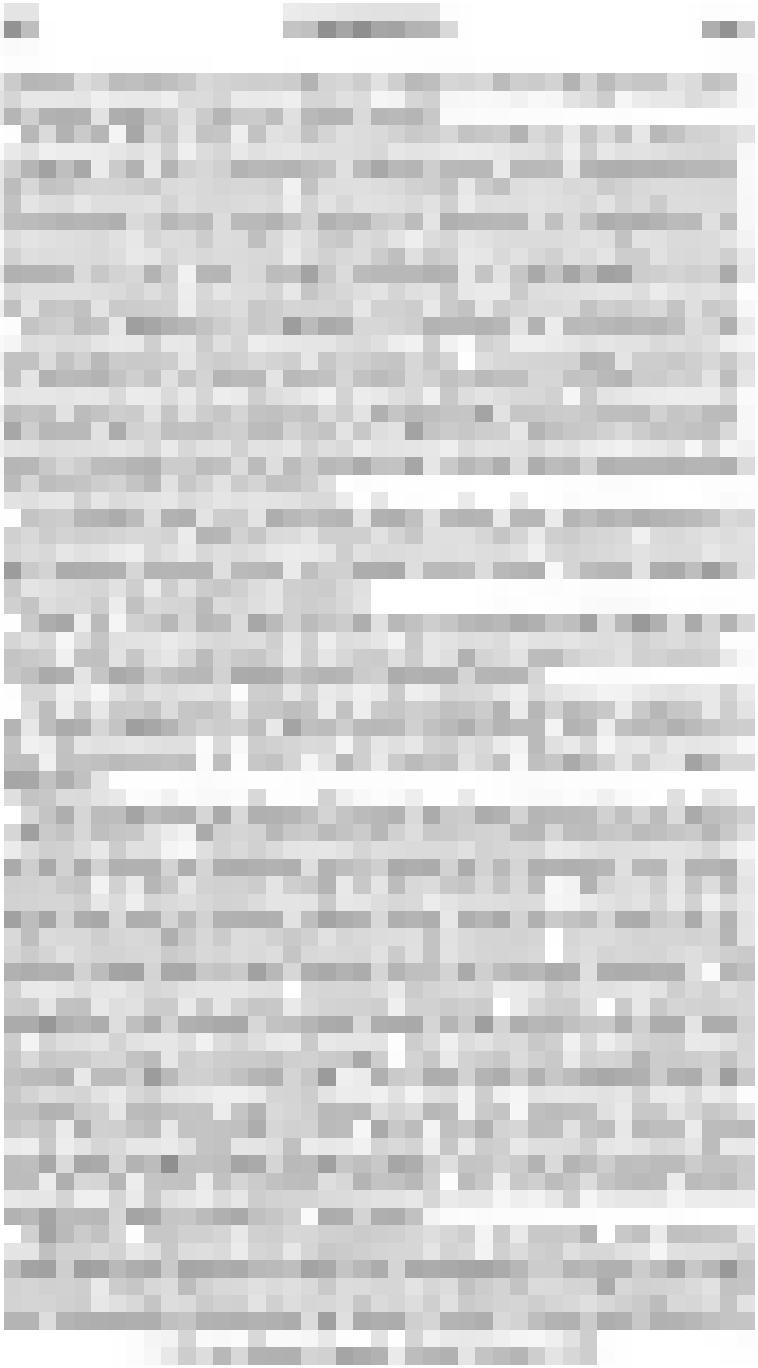

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At the moment, however, the public are blind to the danger that threatens them from the Far East, and are swayed by outraged sentiment.

It has always been a puzzle to me why Lord Hardinge, who, with all his faults, often showed strength in upholding Indian interests, did not act more drastically; but, since reading your letter, I have formed a somewhat clearer idea of his difficulty.

It is this offence to Indian sentiment that makes the Press gird against the employment of Colonials in our Civil Service.

I know more than one Colonial Official and, from private conversation with the people, I should say that they were far from being personally unpopular. One who was formerly a collector was certainly regarded as a 'strong' man, and at the same time courteous as to the higher classes and sympathetic to the lower. Nevertheless it is a fact that, when such men have to initiate, or carry out, some measure which is not altogether popular, much more is made of the grievance than would have been the case had the official been a native of the country, or even an Englishman. The opportunity is seized upon to point out such acts as evidence, if not of the Colonial Spirit, at any rate of the undesirability of Indians being compelled to accept orders from men of those parts of the Empire, which refuse to treat persons of Oriental nationality on the same plane as themselves.

Para. 11. You are right. Educated and semi-educated Indians are obsessed, naturally, by the English system of Government. As you clearly point out, it is very doubtful whether, even in England, that system can continue without considerable modification (e. g. Ireland).

The American and Colonial, even the German, systems are rather those from which we should take our lessons in constructing self-government for India. And in India, even more than in other countries, for she is not, and *never* will be, a nation, any more than Europe is a nation. Just as at present, under a common danger, various European states are allied together, and will separate again once the need for concerted action is over, so here. At the moment the educated men in the various parts of this Great Peninsula hang together and act as one, but, once their objects are attained it will be impossible for the Pathan of the West to work permanently with the Bengali of the East, or the Andhra of the South with the Sikh or Hindu of the North, save under the cementing sway of some outside world-power.

This point, though dimly realized by the Indians themselves, is put aside and obscured at present in their blind idealistic zeal.

I think your point wants to be most clearly brought home, but, in doing so, care must be taken that it is not regarded as a subtle application of 'divide et impera'.

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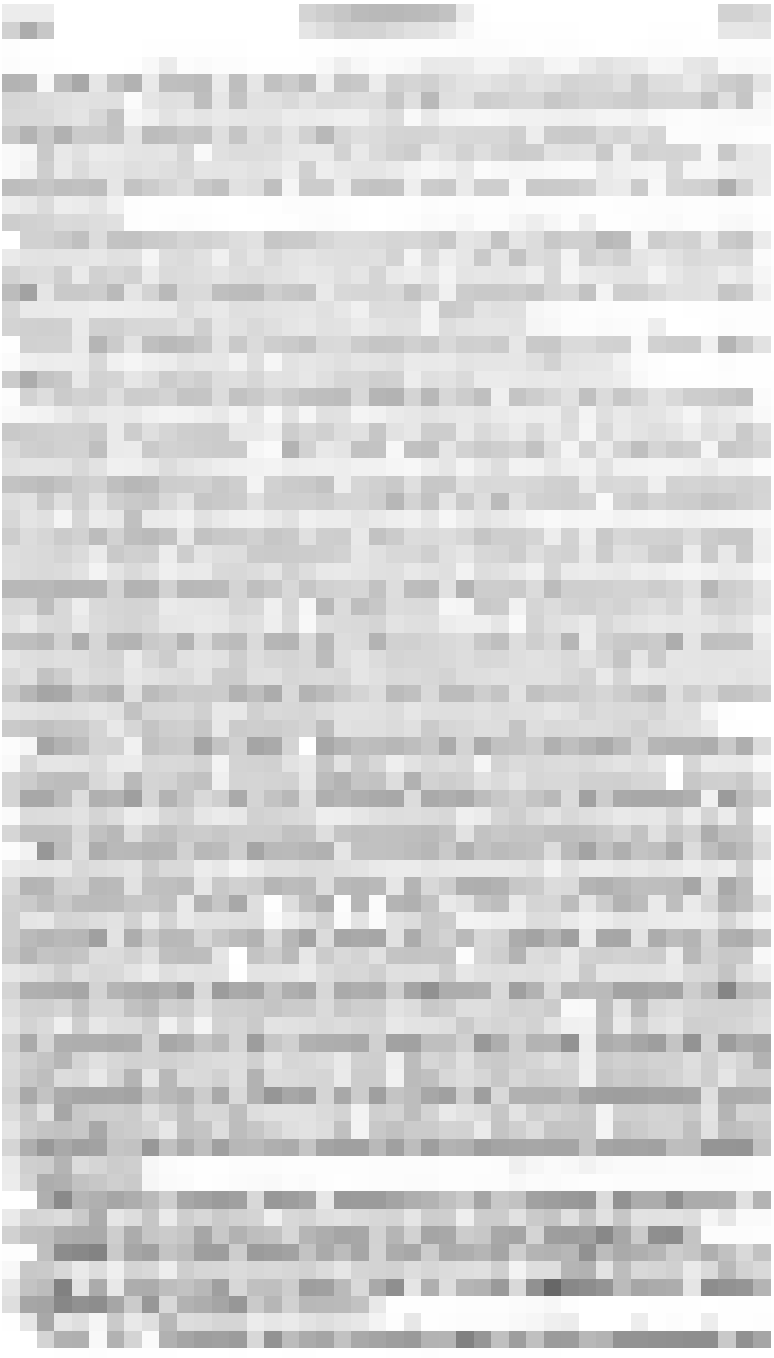

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Dyarchy, however, so far as I can understand, is actually working in our self-governing colonies—especially Canada—and in the United States. How far it really works in Germany I do not know, but I fancy it is to a great extent modified by what, for want of a better word, I will call 'Prussianism'. At any rate it seems to me that herein lies the solution for India.

The difficulty that lies before you in advocating 'dyarchy' is that, no matter how you may gild the pill, if your scheme is to work, the I.C.S., *as at present constituted*, must eventually go. Dyarchy and an autocratic Bureaucracy cannot exist together. Vested interests are great, and the I.C.S. will fight hard.

Might not a partial solution to the difficulty be found in the institution of an Imperial Civil Service, the members of which might, should need arise, be drafted from one portion of the Empire to another. A person serving, say in India, would then feel that, should political or other changes, necessitate a termination of his appointment, he would not be stranded, but would be found equal employment and opportunity for further promotion elsewhere. I do not dilate on this, I merely put it forward as a suggestion for further development.

Paras. 15, 16, and 17. These paragraphs follow as a natural consequence of Dyarchy, but you must lay especial stress on 16.

For a considerable time the Supreme Government must, it seems to me, remain largely bureaucratic; both in personnel and traditions, though I am not quite clear if you agree with me. Unless, therefore, careful provision is made to guard against it, there will be great temptation to interfere with, and to exercise supervision over, Provincial Governments. The functions and powers of the higher party must therefore be very clearly defined. This is all the more necessary as there is bound to be some loss of efficiency—apparent, at any rate—at first, and the temptation for a clever and energetic bureaucrat to try to put things right will be irresistible.

Paras. 18 and 19. These virtually imply the ultimate disappearance of the I.C.S., as it is at present, and will therefore be vigorously opposed by those who can see no further than their own supposed interests and 'loss of prestige'.

You doubtless realize that your scheme, with the general features of which I am in complete sympathy, must result in the ultimate disappearance of the District Officer. The importance of this official is sometimes overlooked by those who have not lived permanently in India.

Judicial officers, even Judges of the High Court, possess little popular prestige compared with that of the District Officer. He, the District Officer, is the impersonation of all earthly power to the peasant; he is their *ma-bap*, the one to whom all look for help and guidance; and, in fact, the local 'God'.

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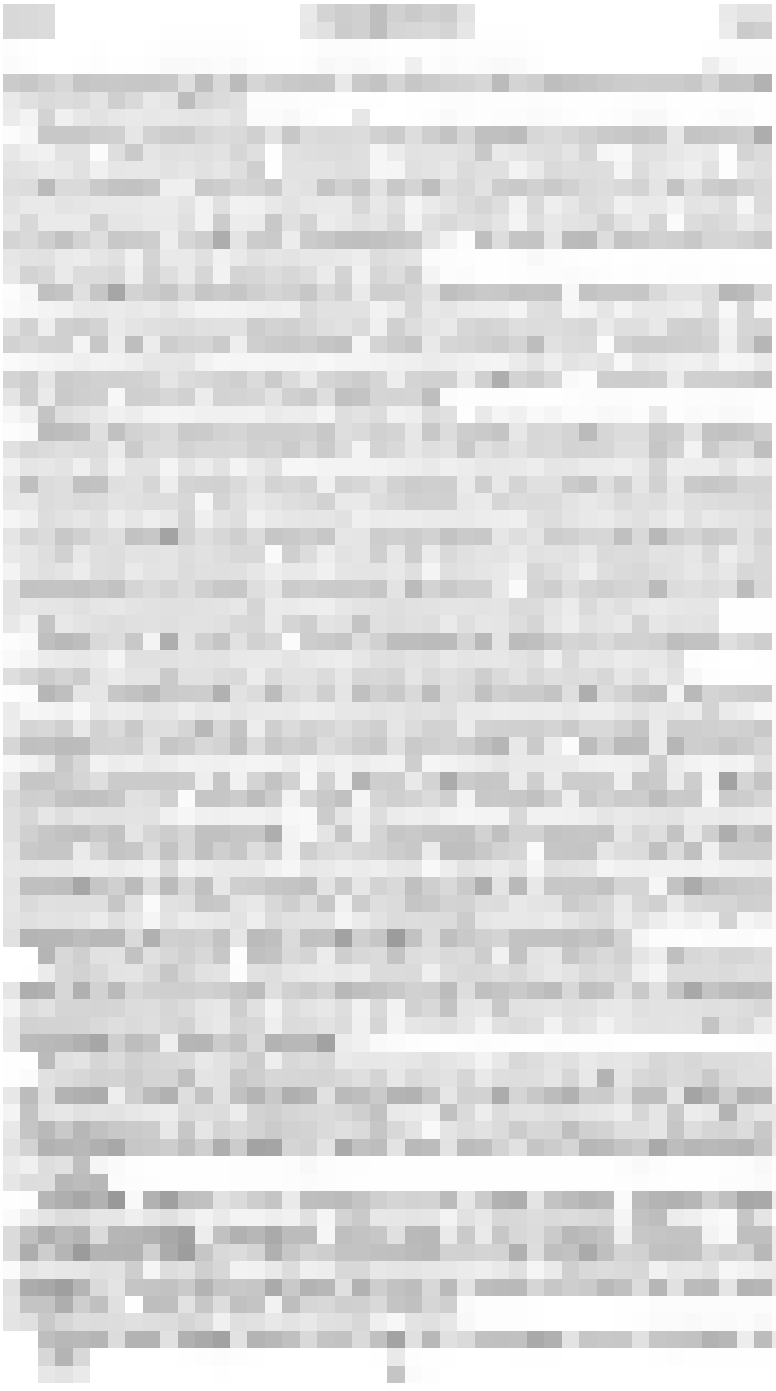

must trust to his personal popularity or to some member of his 'Bar' to accommodate him. In the case of the District Officer there is no need to ask, he has everything thrust upon him.

I remember the case of a certain officer some years ago, who, on arriving at the new station to which he had been posted, discovered an elephant and some two or three carriages and pairs of horses in his compound. As, after a few days, they were still there, he made inquiries, and was informed that they had been placed permanently at his disposal by certain of the leading gentry. He thereupon wrote to the owners, politely thanking them for their kindness, but pointing out that his official salary was such as to render it unnecessary for him to have to depend on others for conveyances. After a little demand the carriages disappeared, but the owner of the elephant, a local raja, was most perturbed and came in person to call on the new official. He explained that it had always been the custom for his family to be privileged to lend his District Officer an elephant, and that, if it were refused, his neighbours and tenants would regard it as a sign that he was under official displeasure. The officer in question was not a very keen sportsman, and rarely required an elephant, but, so long as he was stationed there, the elephant lived in his compound. This was some years ago, and may be a more or less isolated case, but it is a good example of the importance with which the Collector, or Deputy Commissioner, as the District Officer is usually called, is regarded. Of course in the larger towns, where modern ideas are beginning to permeate, the official is not so greatly regarded as in the less advanced districts, but, even there, the prestige he enjoys is far greater than that given to a corresponding person in any other civilized country.

I fully agree that any system of Government which does not give a minister complete control over his own officers and his own department, is unworkable, and that the present arrangement, by which a man might be responsible for Education in his District to one Minister, and for Police, let us say, to another, would be hopeless.

This means, as I have said before, that the I.C.S., as at present constituted, will eventually have to go, with all its power, prestige, privileges, and ideals, and in its place would be put police, education, Public Works, and other officials, each responsible for a limited range of duties, and each under his departmental head, who, in his turn, would be under a non-official member.

Such men, under conditions existing in India, where the lower classes are pathetically ignorant and rely entirely on a paternal government, would have little or no influence at all, except such as they might derive from their particular office, or, in a few cases, from their own personality.

Now I am immensely taken with your scheme in the main, but every scheme which means an entire reversal of existing conditions, must have awkward difficulties to overcome. It is no good ignoring them,

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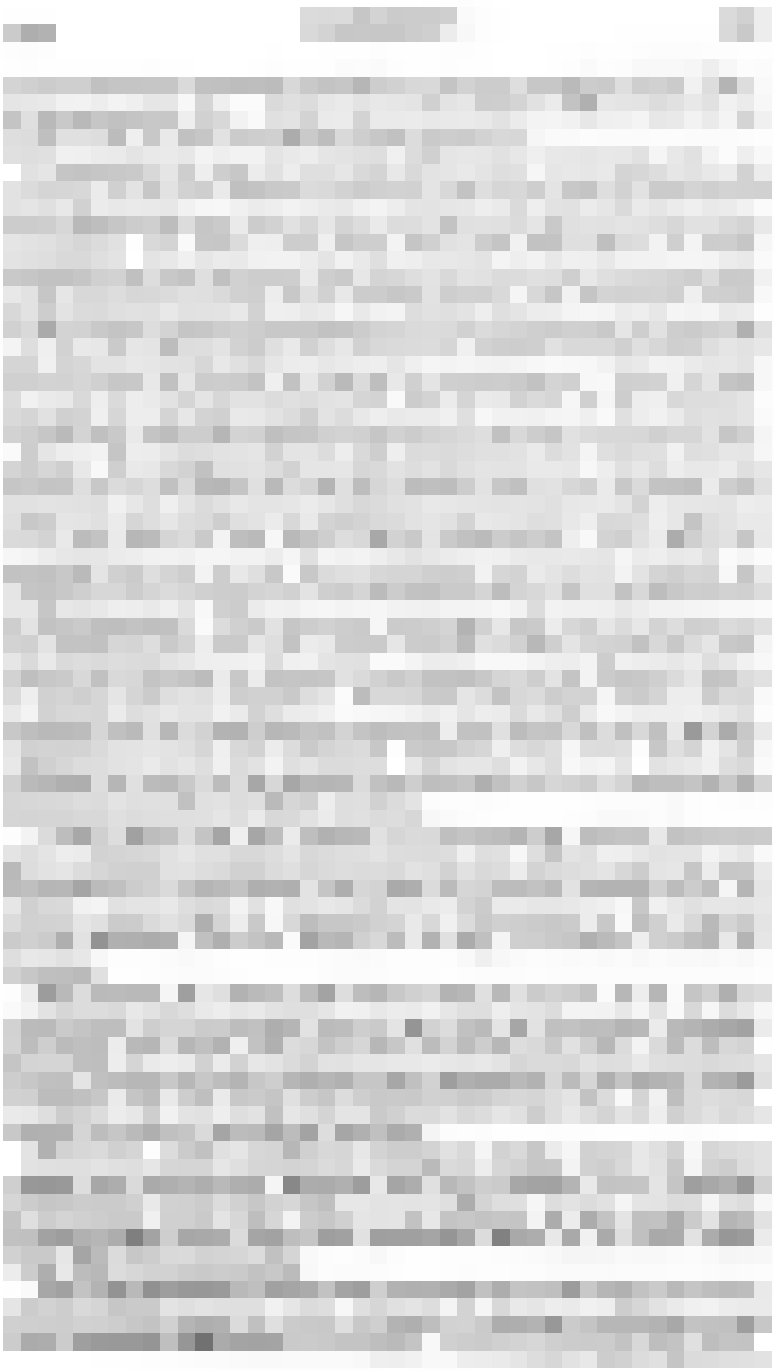
This means, as I have said before, that the I.C.S., as at present constituted, will eventually have to go, with all its power, prestige, privileges, and ideals, and in its place would be put police, education, Public Works, and other officials, each responsible for a limited range of duties, and each under his departmental head, who, in his turn, would be under a non-official member.

Such men, under conditions existing in India, where the lower classes are pathetically ignorant and rely entirely on a paternal government, would have little or no influence at all, except such as they might derive from their particular office, or, in a few cases, from their own personality.

Now I am immensely taken with your scheme in the main, but every scheme which means an entire reversal of existing conditions, must have awkward difficulties to overcome. It is no good ignoring them,



and equally, if you are convinced of the merits of your ideas, it is worse than foolish to let them daunt you.

One of the great difficulties lies in the question of the District Officer, and I fancy that your critics will seize upon it. Hence the position has to be carefully considered.

The Office of Commissioner, and many another, could, I think, very soon be eliminated under a modification of Indian Government without any great difficulty or inconvenience. The District Officer is in a different category. To the educated men—and they are mainly confined to the large towns at present—the District Officer may be an anachronism, but to the ignorant country folk he is still the embodiment of power and, I am glad to say, justice. The peasant still trusts him, still relies on his judgement, accepts his advice, and appeals to him in time of trouble. I do not wish to appear to decry the power of the better class Indian for sympathizing with his brothers lower in the social scale, but, in spite of what the 'leaders' may say, I maintain that it is just because he is a foreigner, because he is not affected by questions of caste, ancient prejudices, or local influences, that the English District Officer is more really in touch with the *ryot* than the product of our Indian cities.

I believe this point has not altogether escaped your notice, and that you are endeavouring to formulate a plan by which the various functions of the District Officer should be gradually taken over.

In the illiterate condition of India, a condition that cannot be greatly modified for a long time so far as I can see, it will have to be a very gradual and a very careful process by which the transfer of functions is effected.

I must confess at present I cannot see clearly any agency which could in any way adequately take over the peculiar duties of the officer under discussion.

Perhaps, in time, some of the functions might be assumed by the District and Municipal Boards. These bodies have recently been given a somewhat larger share of control over their own affairs, and it may be that the solution lies along this line. I have not sufficient knowledge of the working of these corporations, so cannot criticize my remark, which I leave to you to investigate to see whether there is anything in it.

I lay emphasis on the District Officer, as the satisfactory solution of this problem will, it seems to me, do more than anything else towards paving the way for the proper working of your main idea, viz. the carrying on of the government of this country through separate departments under non-official ministers.

Para. 24. The elimination of the 'official vote' in Legislative Councils is essential.

At present officers have to vote 'to order', which is an obvious waste of time which might be better employed in their official business. For such men to have to come often long distances, involving heavy travelling allowances and neglect of their especial duties, seems

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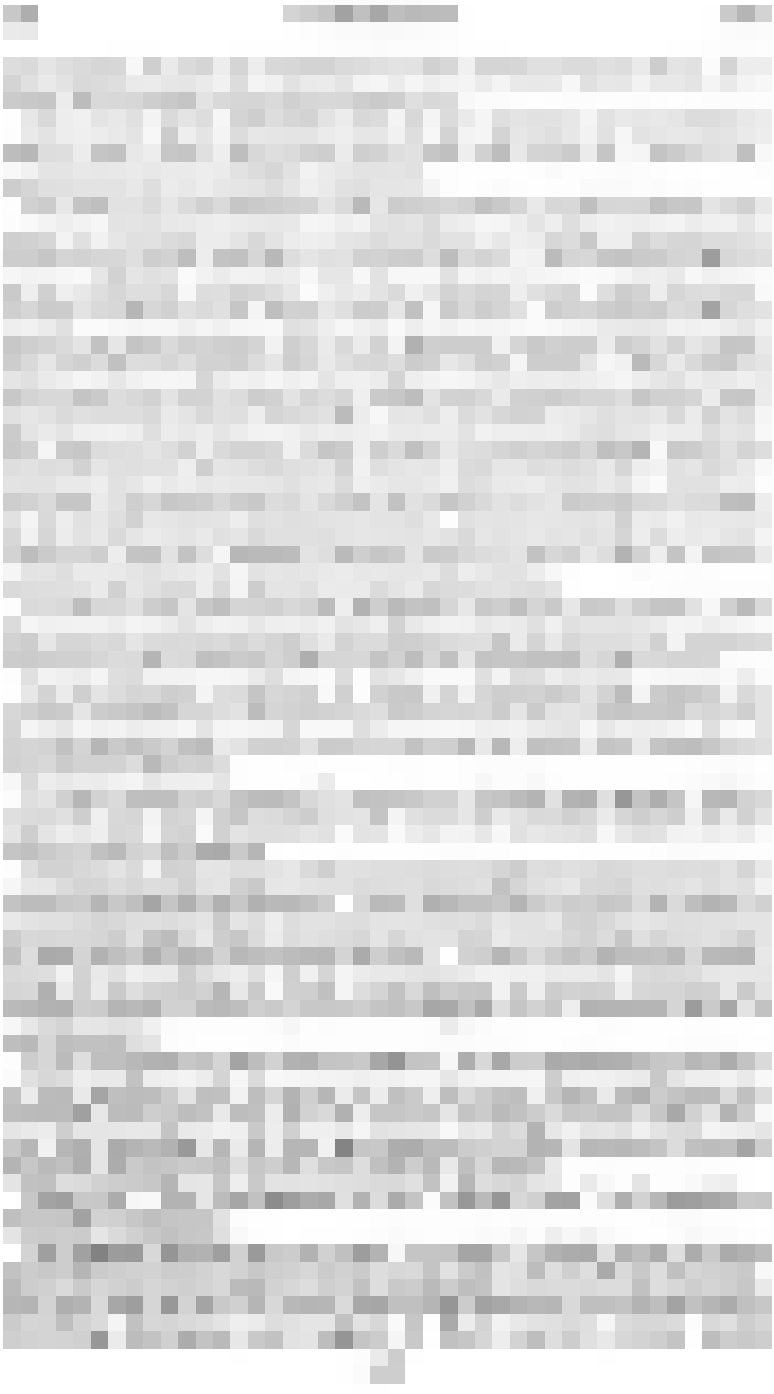

to the mere layman utterly inexplicable. Surely the power of the government would have been far better preserved by the clear right to 'veto' anything that they regarded as impracticable or dangerous.

The present system is objected to by almost every one, official or unofficial, European or Indian, with whom I have discussed the point. It has resulted in no healthy debate, and has merely intensified 'racial cleavage'. So bad is it that, if an Indian occasionally votes *on the side of* the Government, he is denounced as a sycophant or traitor, quite irrespective of the merits of the case; if, on the other hand, a non-official European (officials, of course, cannot) votes *contrary* to Government his action is welcomed, either as a smack at authority or as a proof that the said authority is acting so badly that even men of its own race cannot support it.

In this connexion it must be further remembered that even the semi-educated are wofully ignorant and easily gulled, and that incidents such as I have mentioned may, and do, have effects on India out of all proportion to their merits.

Para. 25. Your object is good. Candidly I have not much hope for 'party' government in India at present, certainly not as we understand it in England. In fact, am I not fairly correct in saying that real 'party'-government is an exotic outside the British race? Speaking for the United Provinces, I fear it would lead to Hindu and Mohammedan parties, and it is possible that the discontented would say that we had arranged this scheme on purpose to keep up religious differences. Another difficulty that you must not ignore is that Indians cannot fight on the platform and remain personal friends. The idea of Balfour and Asquith, after a keen debate, sitting down to supper together is altogether foreign to their ideas.

On one occasion I had a passage at arms in a public body with a high official. Some of my Indian friends hinted very strongly that I had done myself no good, and possibly the institution I represented, by thus attacking a representative of the Government. When I explained to them that, immediately after the debate, he and I met at the club, and had drinks and a game of billiards together, they frankly could not understand it. I pointed out that official differences had nothing to do with social relations; but it was no good. 'We cannot keep the two apart' was the comment.

It is possible in some provinces, where the Hindu Mohammedan question is not so acute, that things might be easier, but I fancy that the party scheme at the beginning would lead to considerable friction. I point this out, however, merely to show a difficulty to be guarded against. Difficulties are to be overcome, and, if the scheme is fundamentally sound, one should not reject it on possible awkwardnesses, which might, or might not, materialize. People must *learn by experience*.

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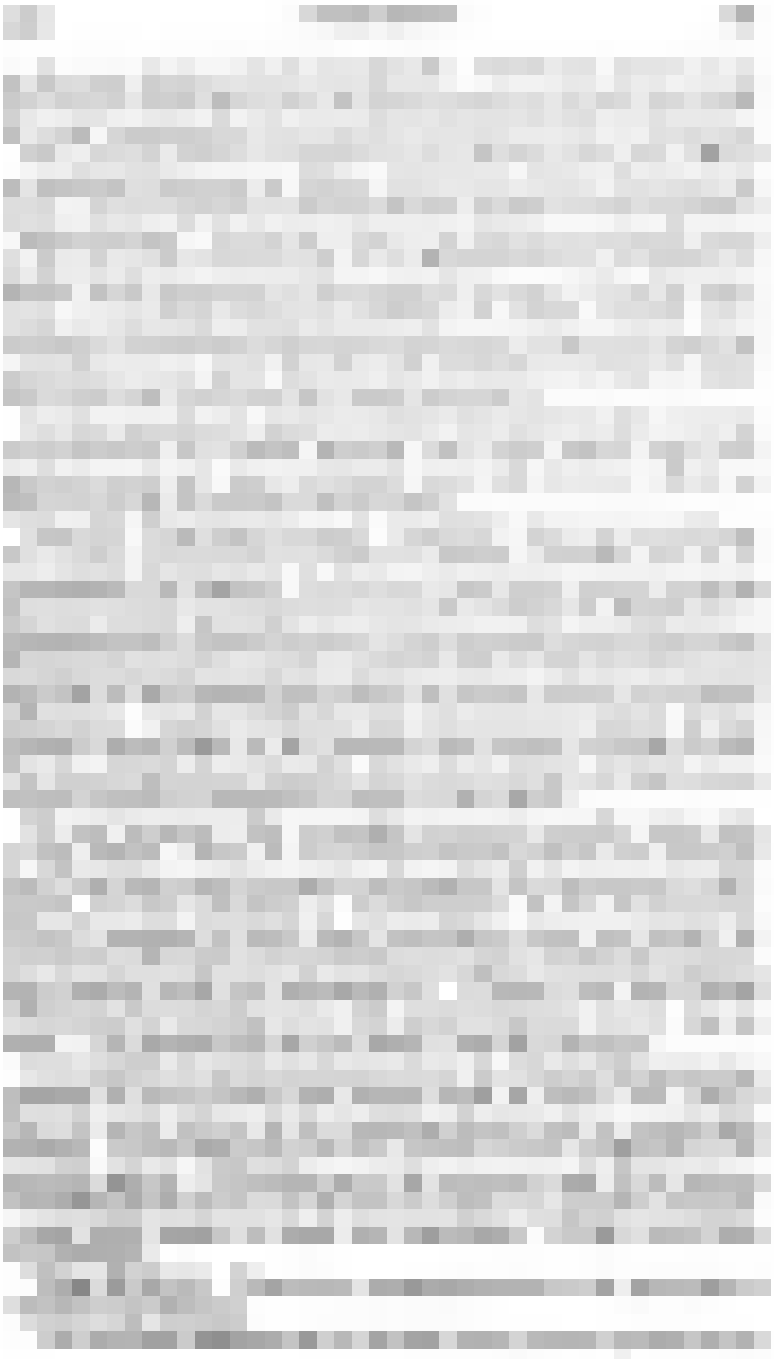

very much in the way of criticism, but I would like to draw your attention to a few points which have struck me.

The arrangement for the separate representation for Mohammedans, though theoretically unsound (unless it is carried to its logical conclusion, and bestowed on all other communities, Hindu, Parsi, Jain, Buddhist, Christian, &c.), is no doubt absolutely necessary in India.

Unfortunately the present system causes much heart-burning.

(*a*) When Mohammedans are in a minority, means are found for their representation. The converse does not hold good in the case of the Hindus. If they are in a minority they must grin and bear it.

(*b*) Mohammedans get a double vote: they can vote in the special Mohammedan electorate and again in the mixed electorate. The Hindu can vote *only* in the mixed electorate.

(*c*) The conditions necessary to obtain the franchise are easier, I believe, in the case of the Mohammedans than in that of the Hindus.

I object to separate electorates, but agree that at present they must exist. I would, however, have

(i) No right of voting in a mixed electorate, if the person had the right of voting in a special electorate.

This would do away with —

(*a*) The double vote.

(*b*) The chance that the special electorate would not only get their own man in, but possibly sway also the mixed electorate in their communal favour.

(ii) Franchise qualification the same for all.

(iii) Different electorates for District and Municipal Boards on a somewhat wider basis than those for electing to the Provincial Councils.

I will not trouble you with any discussion on the Municipal electorates, but will deal with that for the councils.

I would not have councillors elected, as they are at present, by Municipalities and District Boards — some of these have the right only in *rotation!* and for a period of three years at a time!!! Nor would I allow, in any case, a councillor to be elected by the limited electorate of his own fellow-members of Boards. This present scheme is leading constantly to friction, local jealousy, and intrigue. Men strive to be elected to municipalities with a view to council and the title 'Honourable' rather than to improve local conditions.

I should like to see a system by which one or more members were assigned to each District, or Division, according to the size of the council, and representation should also be given to each town over a certain size. The details are not pertinent to the matter just now. The electorate should be selected on one or more of three bases—age, property, education.

(i) *Age.*—Whatever age might ultimately be decided on, I would strongly urge that it should not be less than 25. In my opinion 21 is too young. The English analogy is not a good one. Few of our young men in England are to be found at Oxford or Cambridge after

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22, and none are allowed to remain at school after 20 (in many schools after 18). In India not a few schoolboys are 23 — even 25 — and in the colleges I should say that a fair proportion are between 23 and 30.

No one who knows India or Indian colleges need be told what a disturbing effect an election would have on students and colleges did a large number of them happen to be electors. Candidates and their supporters would come round canvassing, the college halls would be demanded for meetings, and the whole place would be a scene of intrigue, intimidation, and corruption.

You may think I am exaggerating. I can assure you I do not think so. You may say, What about the authority of the Principal and Staff? I regret to say that the public, far from supporting them in any disciplinary measures or restrictions they might deem necessary, would be attacked as enemies of liberty and political freedom, and they would have to bow before circumstances.

Again, at present, I feel that an Indian has not the same balance and level-headedness as an English youth of the same age. He is much more impressionable, and much more easily carried away by political agitators.

Both on the score of discipline, then, and of later development of the faculty for calm criticism, I feel very strongly that the voting age should not be less than 25.

After all, in England it is proposed to give women the vote at a later age than men.

(ii) *Property.*—There would of course be a property vote, but there is no need to discuss details, except that it should be the same for all, so far as is possible.

(iii) *Education.*—Here again I leave the discussion as to what should give the educational vote, but, in spite of objections, I think it should be the same for all sections of the public.

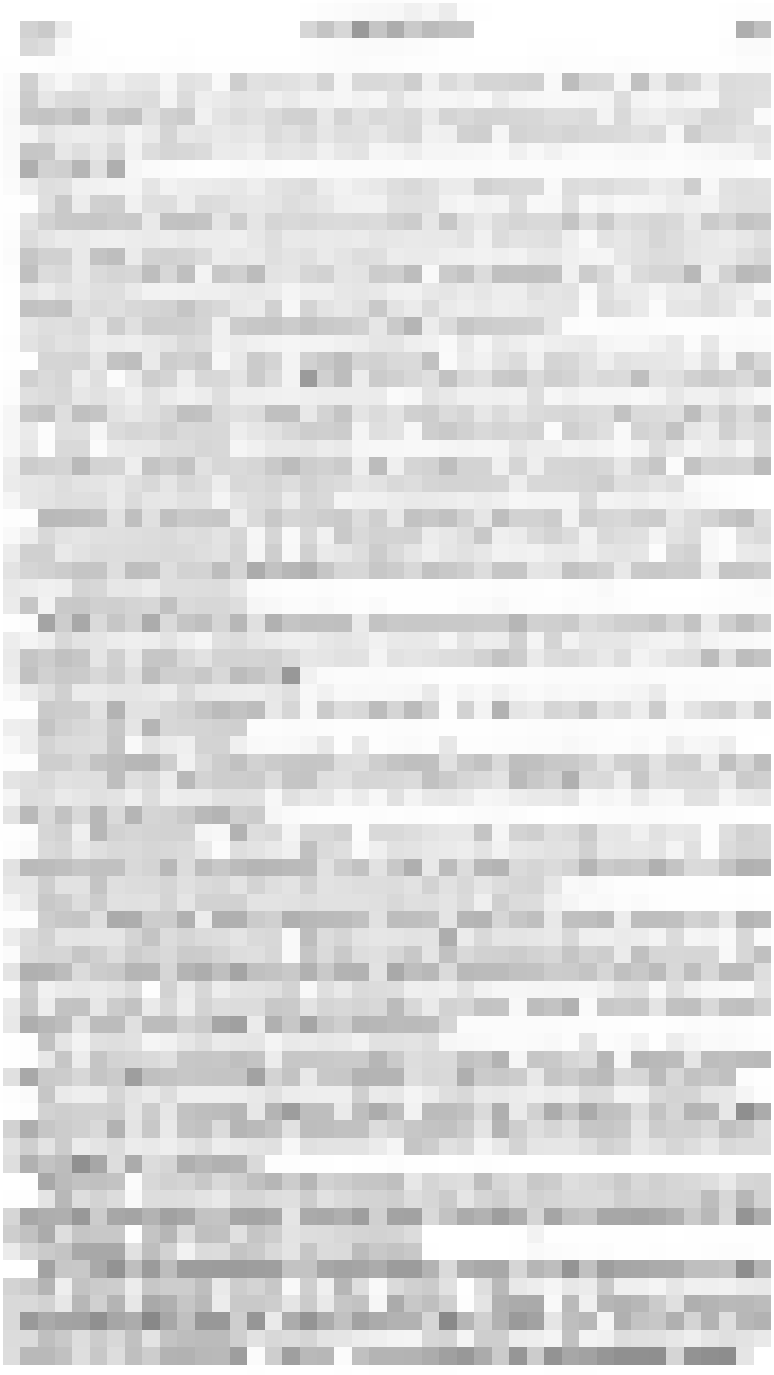
I feel that the differentiation which has been made between the voting qualifications for Hindus and Mohammedans, has been the cause of much embittered feeling, and I cannot see the need for such. At any rate, if the mixed electorate is done away with, this need, which may now exist, would disappear.

The above electorate would also of course vote for local bodies, when conditions would be modified to allow a broader franchise.

You will of course observe that, with the exception of the age limit, I do no more than indicate vaguely what I think would form the basis for a scheme.

Para 33. I have carefully studied your four lists of functions, and can find nothing to alter, except that I would put education in the first group, and will give my reasons.

(*a*) With the exception of Agriculture, none of the functions of the first group appeal much to the public. Many of them, however important they may be, bulk small in the public eye, and so do not appeal to the political 'leader' as a subject for enthusiastic work.



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MALABAR HILL

Now I think you will agree that sentiment plays a considerable part in politics, and it is advisable, so far as possible, to hand over some fairly big and important Department to popular control as soon as it can be done.

Of all those you have placed in groups ii, iii, and iv education is not only one which the people are very desirous of controlling, but is probably the one most suited for the purpose in view.

(*b*) Education, as now carried on, is too entirely on English models, and run too much by Englishmen out of sympathy with Eastern ideas.

(*c*) There are a large number of well-educated and capable Indians, and, if more do not enter the Educational Service, it is because the general status and treatment accorded to the Indian do not make it attractive.

(*d*) Already several good colleges are run entirely by Indians. The Fergusson College, Bombay, is ruled by the Hon. Mr. Paranjpye, Senior Wrangler and late Fellow of St. John's College, Cambridge. The D.A.V. College, Lahore, is a very large and successful institution under the control of the Arya Samajists. The Central Hindu College, the nucleus of the Hindu University, is practically entirely Indian. The M.A.V. College, Aligarh, has, it is true, a large European staff, but the government of the college is entirely Mohammedan. In Calcutta there are many large and flourishing colleges, managed and staffed by Indians, while a large proportion of the colleges in native states are similarly controlled.

Of course the general and somewhat reiterated cry is that these institutions are inefficient. The justice of this remark can only be proved when the authors of it define efficiency.

In some respects, of course, they differ in their methods and management from those under the control of Englishmen. As, however, these places are usually not only equally successful in examinations with those under Government, are often quite good at athletics, and in buildings and equipment not markedly inferior, but are more economically run, with lower fees and a less highly-paid staff, it is difficult to see what is honestly to be said against them.

(*e*) The chief weakness in our education is due, I believe, more to the Government policy of demanding University certificates as passports to Government service than to any desire on the part of the public for shoddy teaching.

(*f*) No one can say that under Government control our education is at all satisfactory. By handing it over to the public we should not be risking one of our best departments.

(*g*) Speaking for myself, and I fancy for many other non-official educationists, I should not fear the control being transferred. Of course the position and interests of those actually employed at the time of transfer should be fully safe-guarded.

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impossible to have divided control of this nature. It is easy enough to say that village schools are Primary and Presidency Colleges Higher Educational institutions, but in between the various grades merge imperceptibly into one another. This control, if divided, would lead to invidious comparisons, and friction in its many manifestations.

(*i*) I think the difficulties of education and educational policy are not fully realized by the Public. If once the critics had to meet their own criticisms, carry out their own ideas, and, incidentally, themselves impose the necessary taxes, they would have an excellent lesson in practical politics, which, once learnt, would pave the way for trying their hands at managing other functions.

(*j*) Finally I would like once more to emphasize my belief that the cry of inefficiency raised against all Indian educational institutions and ideals is overdone, and, so long as Government schemes and arrangements are so lamentably below what they ought to be, it hardly becomes us to assume the virtuous air we are prone to do. I think Sir Narayan Chandavakar, presiding at the Bombay Educational Conference on June 30, put the Indian point of view very clearly.

I quote from the *Pioneer* of July 7, 1917. In referring to the assertion that India needs efficient, not inefficient, education he said :

'There is none, so far as I know, among the educated classes in India who is so thoughtless as to think otherwise. We all want teaching Universities : we all desire that a teaching University should stand for real scholarship. But what we fear is that, in the name of 'efficiency' of University education the interests of its diffusion are liable to be sacrificed in India, with the result shown by experience that, in the struggle between efficiency and diffusion, India is in danger of securing neither the one nor the other.'

Para. 35. If education were handed over, I think it would be necessary to have a fifth minister. I do not see which of the four you have named could undertake the work in addition to the duties already assigned him. At the present moment we suffer in the United Provinces from education being in the hands of the Judicial Secretary.

Para. 37. The necessity for insisting that ministers select their subordinates from Government servants is clear. Such a rule is needed in every country, but especially so in India, where the old tradition still holds good that power gives a rightful opportunity to reward friends and relations.

Para. 44. It is proposed that the experiment be made in each case for five years. I venture to think this period a little short. It is difficult to get much done, even under existing conditions, in five years, and often leads heads of Provinces to hurry through schemes which demand time for full development.

It may be said that it would be risky to grant a longer period, but, on the other hand, unless the new men felt that they were going to

impossible to have divided control of this nature. It is easy enough to say that village schools are Primary and Presidency Colleges Higher Educational institutions, but in between the various grades merge imperceptibly into one another. This control, if divided, would lead to invidious comparisons, and friction in its many manifestations.

(*i*) I think the difficulties of education and educational policy are not fully realized by the Public. If once the critics had to meet their own criticisms, carry out their own ideas, and, incidentally, themselves impose the necessary taxes, they would have an excellent lesson in practical politics, which, once learnt, would pave the way for trying their hands at managing other functions.

(*j*) Finally I would like once more to emphasize my belief that the cry of inefficiency raised against all Indian educational institutions and ideals is overdone, and, so long as Government schemes and arrangements are so lamentably below what they ought to be, it hardly becomes us to assume the virtuous air we are prone to do. I think Sir Narayan Chandavakar, presiding at the Bombay Educational Conference on June 30, put the Indian point of view very clearly.

I quote from the *Pioneer* of July 7, 1917. In referring to the assertion that India needs efficient, not inefficient, education he said :

'There is none, so far as I know, among the educated classes in India who is so thoughtless as to think otherwise. We all want teaching Universities : we all desire that a teaching University should stand for real scholarship. But what we fear is that, in the name of 'efficiency' of University education the interests of its diffusion are liable to be sacrificed in India, with the result shown by experience that, in the struggle between efficiency and diffusion, India is in danger of securing neither the one nor the other.'

Para. 35. If education were handed over, I think it would be necessary to have a fifth minister. I do not see which of the four you have named could undertake the work in addition to the duties already assigned him. At the present moment we suffer in the United Provinces from education being in the hands of the Judicial Secretary.

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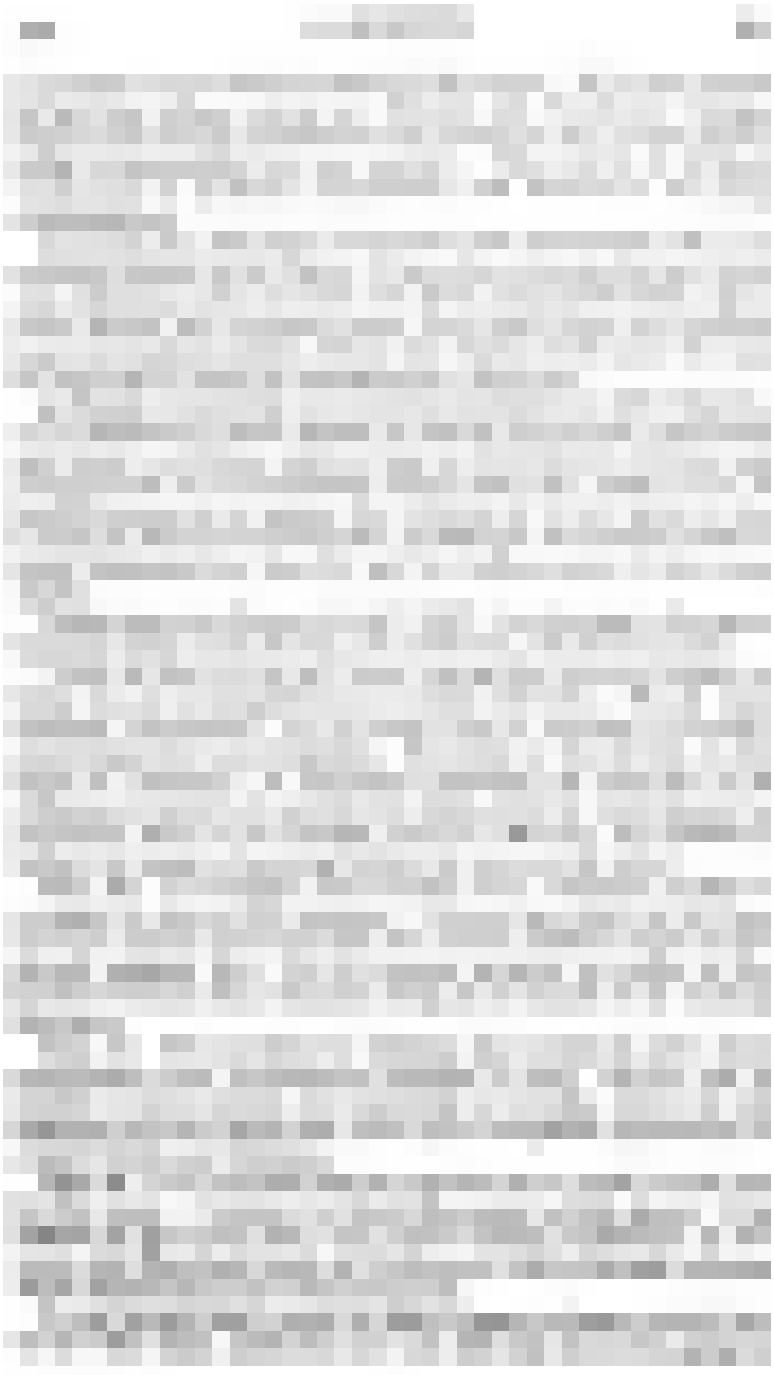


have a fair chance of 'making good', might not the limited period of time cause them either to make a splash with ill-considered schemes or else to fear undertaking new projects the ultimate results of which might not be realized by themselves?

If ten years is too long, perhaps seven years would be a fair compromise.

Para. 48. This is a very serious objection. There is *no doubt whatever* that Indians have a great reluctance to imposing taxation. In addition to a natural aversion from unpopularity there is strongly imbedded in the Indian mind the idea that the Supreme Government is the *ma-bap*, a *deus ex machina*, which can always be relied upon to pull up buckets of silver from a mysterious well. If Local Governments are permitted to badger the Supreme Government for extra allowances and grants, beyond what they are bound by statute to supply, there will always be the risk that the Province will try to shift the odium of raising money, or imposing taxation, from their own shoulders on to those of the higher body.

I would go further than your suggestion, and would make the acceptance of any functions by a Provincial Government imply the corresponding duty of raising the necessary funds for the purpose, thereby entirely barring an *ad misericordiam* petition.

To further safeguard the Supreme Government I would make it incumbent on Parliament to assume responsibility for deciding how extra money is to be found, should the Province declare its inability.

Para. 51. On first reading your letter, I was under the impression that you suggested that each Province should raise and maintain citizen forces apart from the Imperial Army. I am glad to find that I was mistaken. Under the present conditions of antagonistic races and creeds, anything of that nature would be fraught with grave danger. As, however, I fell into error, it is possible others may too, and I would suggest that you made your view clear.

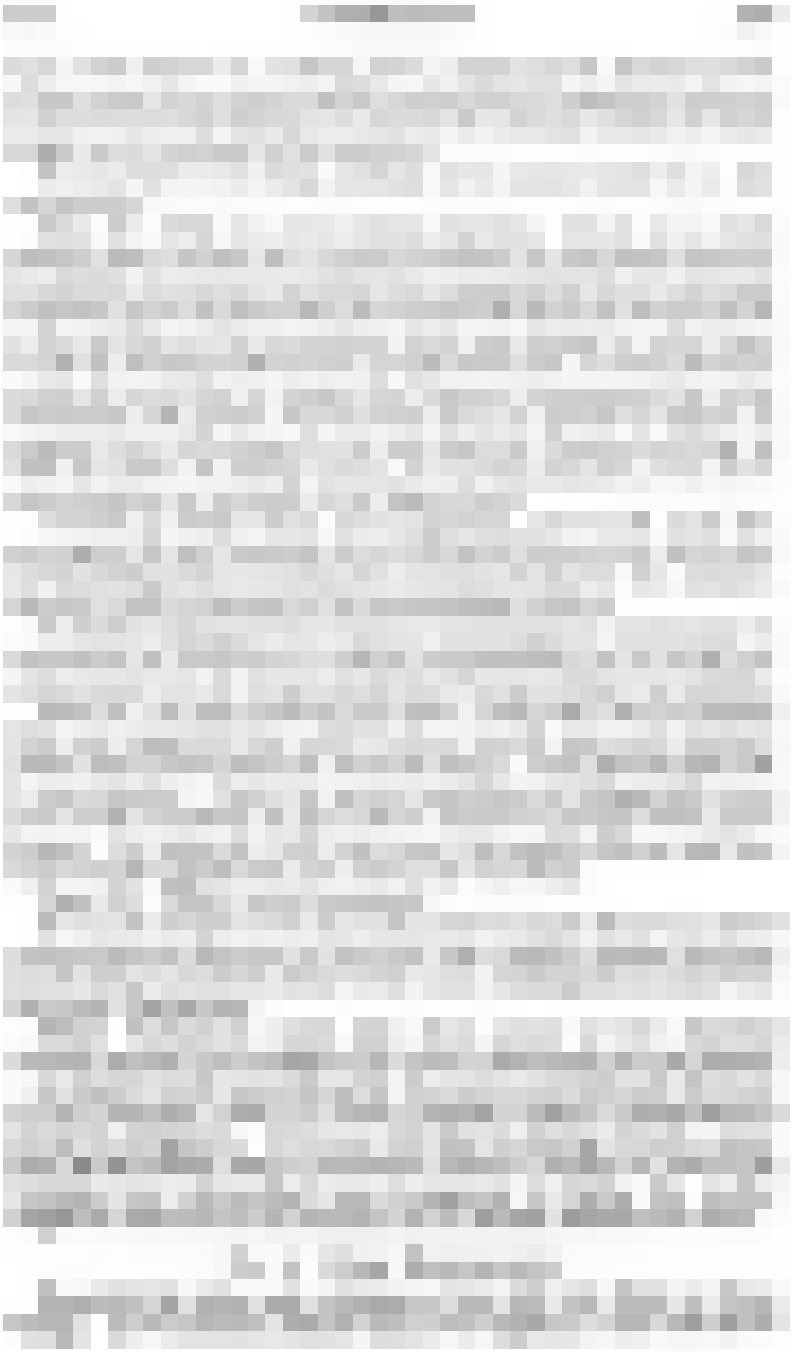
Para. 53. This is very important.

It is quite sound to let the Indian Government (Supreme) *grant* extra powers as they are on the spot, but, equally, *because* they are on the spot, it would be better if the onus of taking them away were laid upon Parliament.

Before Parliament could take them away—or the Imperial Council, suppose you consider it the duty of that body not yet created—an inquiry under something like the system prevailing in the days of the Company (with of course *adequate* Indian representation) should be obligatory. If it were felt that the laying of such a question (as the *taking away* of functions) before a council on which the Colonies were represented were derogatory to India, the matter might be reserved for the decision of the British Parliament alone.

No. 6. From Missionaries

Herewith the letter and criticisms of two folk who think on these things. As we all three talked them over together, I feel that as far



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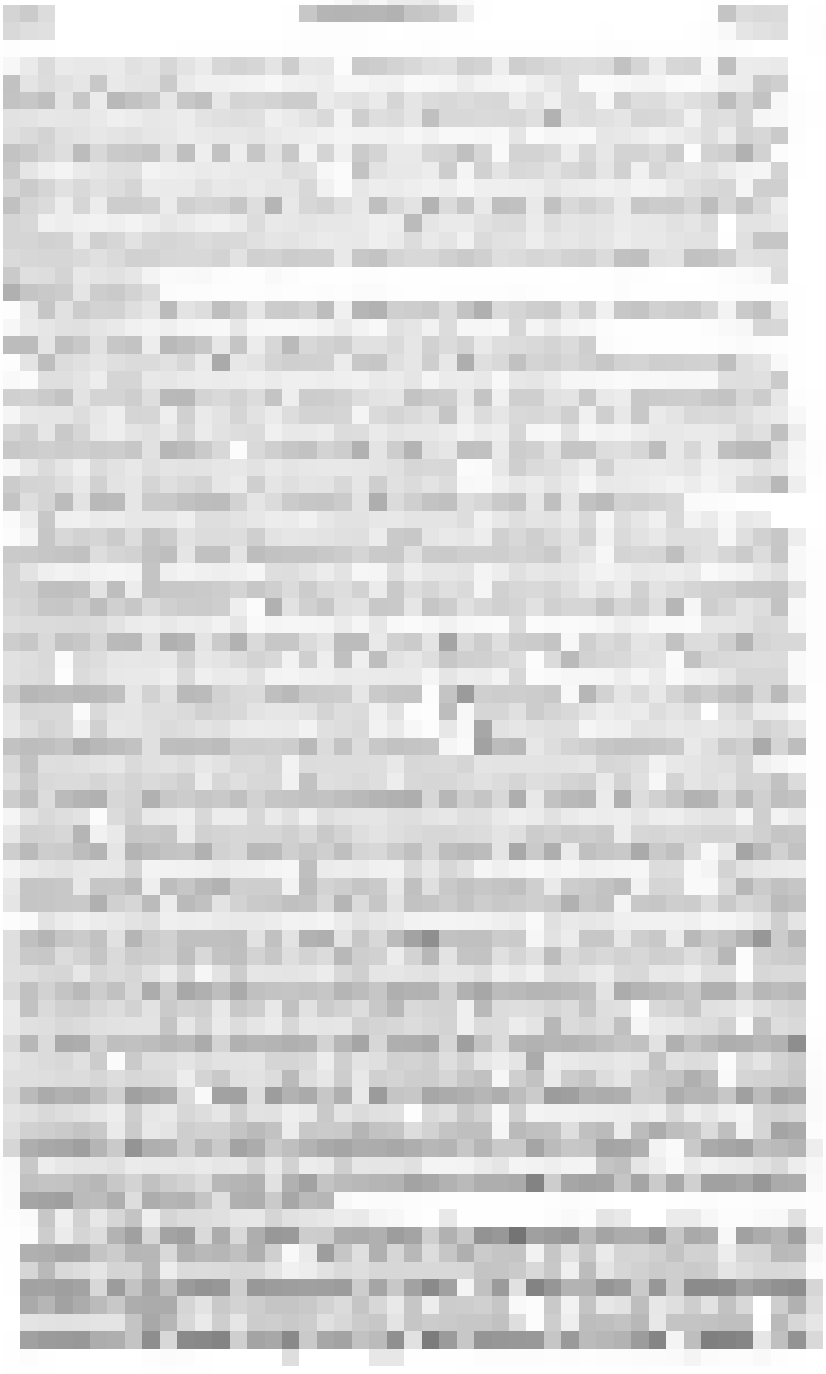
as they go I agree with them. There is one aspect of the case that must be taken into account, i.e. the problem of the native states. I travel in a lot of them, meet their rulers and officers, and I gather that Government in them is more corrupt than in British India. There is little or no security. Hence the backwardness of many of them, in spite of mineral riches and great agricultural possibilities. I have seen tables gathered from official publications in which the average taxation per capita in native states is much higher than in British India.

Enclosed in the above was the following letter from an American who has had some years of experience of Indian education.

With regard to Mr. Curtis's letter to Mr. Bhupendra Nath Basu, I wish to say that on the whole I think the letter is a masterpiece, and agree with his plan entirely, with the exception of the criticisms which appear below. I must add that I wish the plan could be made public and discussed as soon as possible. I believe that if it could be put into operation it would effectually stop all agitation.

My principal criticism is with regard to paragraph 33, where the division is made into *transferred* and *reserved powers*. I believe that Primary or *Elementary Education should be included in the first group of transferred powers*. If this is not done I do not think the people will feel that any real power has been given them, as it is an object very near to the heart of all the reformers. Moreover, Primary Education is closely connected with Agriculture and co-operation which are transferred in Group I. If agriculture is given, then agricultural education must be given. Many Co-operative Credit Societies already include primary education among their activities, the work of the society having taught them the value of reading and writing. Many city members are interested in primary education for boys and girls both, who know or care little about agriculture. This would make necessary a *Minister of Education* in para. 35. There would thus be five members of the Provincial Cabinet, which would make an odd number in case of disagreement. I feel very strongly that real interest will not be taken, and that the Government will not feel that it has shouldered a really great responsibility unless primary education be given into their hands from the beginning. If they are to raise provincial revenues, and really have experience in increasing revenues, there is no object for which they will more willingly vote increased taxes. For example, the Philippine Assembly voted large increases for elementary education, before they were ready to lay increased taxes on their constituents for any other object. I believe the surest way to make the whole plan a success would be to transfer control of primary education.

2. I wish also to make a criticism of paragraphs 29 and 30, with regard to the electorate. This is the criticism of an American missionary of 40 years' experience in India. He feels that the *electorate should be larger*, not smaller than at present. It should include all persons of 21 years of age who pay the income tax on Rs. 1,000, or



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own property to that amount and all persons, who can read and write. Women should be included on equal terms with men. The present small electorate represents only lawyers and landholders, mostly the upper castes.

He feels that nothing would make for a truly responsible government so soon, as that Brahman legislators should consult the wishes of low-caste voters. As to the argument that they are not interested in provincial affairs, I believe that they would speedily become so, if they had a controlling voice, and especially if primary education were under their control. I can think of no better way to stimulate a real desire for education than to give the vote to all literate persons. There would be many other advantages of a wide electorate representing all classes. The taxes would be less likely to be class taxes, bearing more on the poor than on the rich.

3. In connexion with the electorate, there must be some regular plan for *minority representation* in India; so that all classes and religious bodies may find expression. There must be no such thing as the Jerrymander (Gerrymander ?) in America. Accumulative voting has already been tried in India. (There being two votes given to each voter, when there are two candidates, a minority of more than 33⅓% is sure to elect one candidate.)

Another plan is to permit minorities of several election districts to combine to elect a candidate, provided their total exceeds a certain population, which would normally have one representative. I would be glad to give details of the possibilities of such plans, if Mr. Curtis should desire them.

No. 7. From a Teacher

I think most people who realize how greatly India has changed and developed in the last generation will endorse the view set forth in paras. 4 and 5, that the declared aim of British policy should no longer be merely to govern India for the benefit of the Indians, but to enable Indians to govern themselves. In para. 7 it is proposed that this aim should be set forth in the preamble of a written constitution, like that of the United States, which will determine the future relations, not only of India, but of all the Dominions, to the Mother Country. To this I think there are several objections. Firstly, as you admit in para. 8, the British are naturally averse to committing themselves to statements of general principles, and the British constitution, as it exists, is based rather upon tradition than upon documents. Secondly, it seems very doubtful whether such a constitution, involving as it does the establishment of an Imperial Parliament and the dethronement of England from her position as the 'Mother Country' to one of equality with the Dominions, could be brought into existence at a single stroke. The Dominions, as well as the people of Great Britain, will have much to say on the question, and they have not yet spoken.[1] It seems more probable

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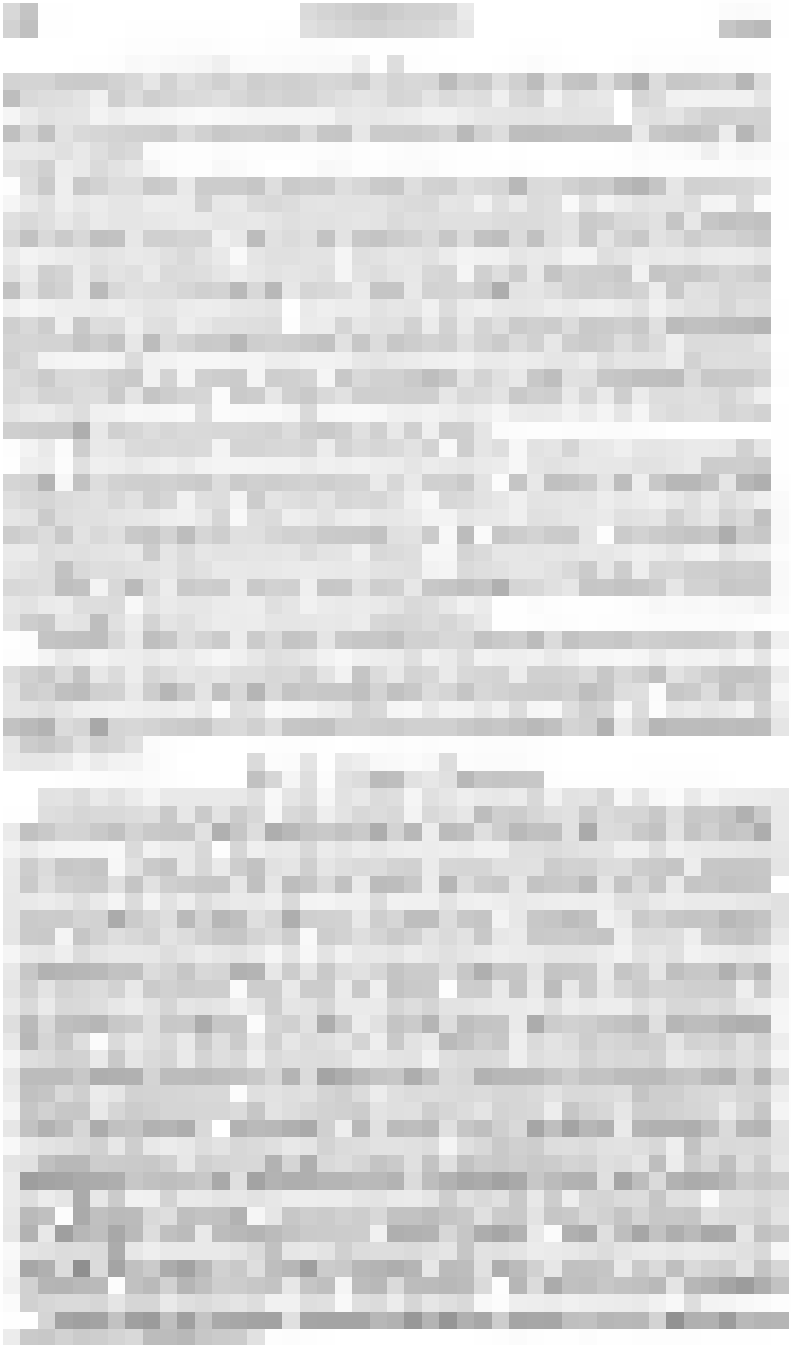

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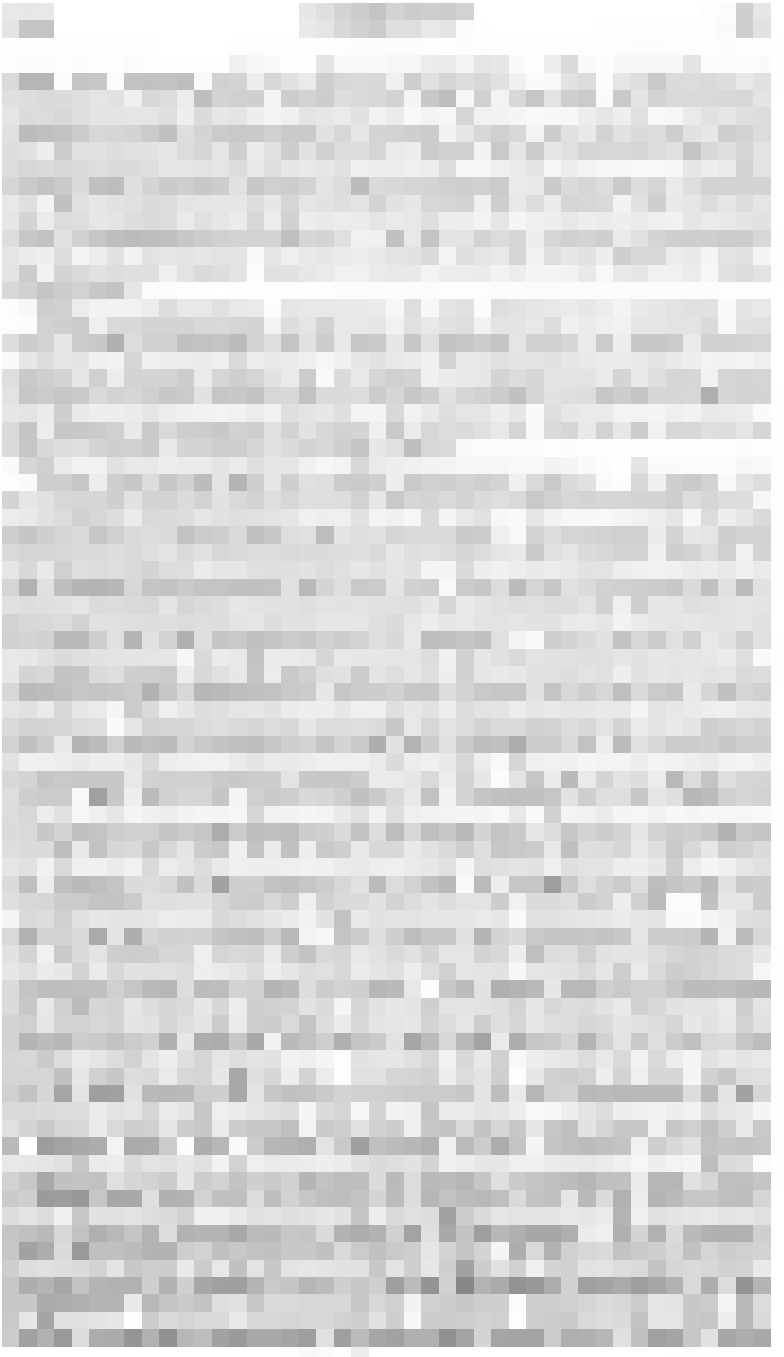
that the change will be effected gradually. The congestion of business in the British Parliament will be relieved by delegating powers to local Parliaments in Ireland, Wales, and Scotland, while the Dominions will be admitted to a share in the control of Foreign Policy and Imperial Defence, first by informal Conferences, of which the War Conference lately held in London is the first, and later by more constitutional machinery. In the end a definite constitution for the whole Empire may be evolved, but it seems likely to take a long time.

These considerations, however, do not lessen the necessity for some public declaration of the aim of British policy in India, which could be effected either by a Royal Proclamation (perhaps most suitable to Indian sentiment) or by the preamble of another Bill for the Better Government of India, by which the first steps would be taken towards carrying out that policy.

These first steps are the really important matter. In para. 11, it is argued that the advance must be by way of Provincial autonomy, and of this I think there can be no doubt. At present the Local Governments and Administrations are tied to the chariot wheels of the Central Government, and until the Provincial Governments are given a definite field of action beyond the control of the Government of India, no real self-government is possible. You, therefore, contemplate (paras. 15, 16) handing over to the Provincial Governments certain specified functions in which the Central Government cannot interfere. This will involve not only the final separation of Imperial from Provincial functions, but also the separation of one Provincial department from another (paras. 17 to 19). You go on to point out (para. 20) that the great variety of conditions in the different Provinces is a strong argument for allowing each Province to progress on its own lines and at its own pace, and (para. 21) you argue that the lesson of self-government can only be taught by giving real responsibility to ministers dependent on the popular will. To all this I can see no objection. The further step, proposed in para. 24, viz. the abolition of the official vote from the Provincial Legislative Councils, seems more open to doubt. You argue that by abolishing the official voters we shall get rid of the racial division between the British and the Indian members, and that then two or more real Indian parties will grow up. I doubt if this would be the result. In the last resort, the power to accept or reject resolutions of the Council would still remain with the Executive, and there would be a danger that the Indian Members would combine to oppose measures which the Government felt bound to introduce (e.g. Police or Press bills) and even to produce an impasse such as the Irish Party have often set themselves to effect at Westminster. If we contemplate the further proposal set forth in para. 33 that certain departments should be handed over to Indian Ministers responsible to the Legislative Council, the anomalous position would arise that the Indian members controlling departments would have votes, while



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In para. 25 you argue that a reform of the electoral machinery is necessary in order to enable the electors to control Provincial as well as merely Municipal issues, and with this view I am in agreement. To revert to the really crucial proposal in para. 33, &c., viz. that certain departments should be transferred to the unfettered control of the Legislative Council for a period of five years, after which they should be taken back, if the experiment proved a failure, the following difficulties occur to me as likely to arise.

(1) The transfer would be practically irrevocable, because, even if the experiment were a failure, this would be ascribed by the Indian press solely to interference by Government, and the clamour raised for increased powers would effectually prevent the resumption of any given powers, however badly they had been exercised.

(2) The Ministers in charge of the transferred Departments, not being members of the Provincial Executive Government, would tend to be in permanent opposition to the Government, backed by all their constituents in the Legislative Council.

(3) These ministers would be too obviously on trial, and would not unnaturally resent their position, which would be analogous to that of children playing at being Papa and Mamma. If they were really children, they might be willing to follow advice, but as they consider themselves very much grown up, they would become more and more antagonistic to the controlling authority.

(4) In paras. 40-3, it is proposed that any new taxes required by these Ministers should be submitted to the Central Government for sanction. In this connexion, it appears that, even if such a new tax were opposed by the Provincial Government, the Legislative Council could, nevertheless, get it passed by the Central Government, and this would almost certainly create a position of difficulty and danger.

Paras. 44 and 45 contemplate the lapse of transferred powers in case of failure after five years' trial. The objections to this have already been pointed out.

In para. 47, the objection that a 'dyarchy' is impossible is raised and met. As between the Central and Provincial Governments a dyarchy appears quite feasible: but it may be pointed out that the Provincial Government itself under the proposed system would also be a dyarchy, which I do not think would be successful for the reasons already stated.

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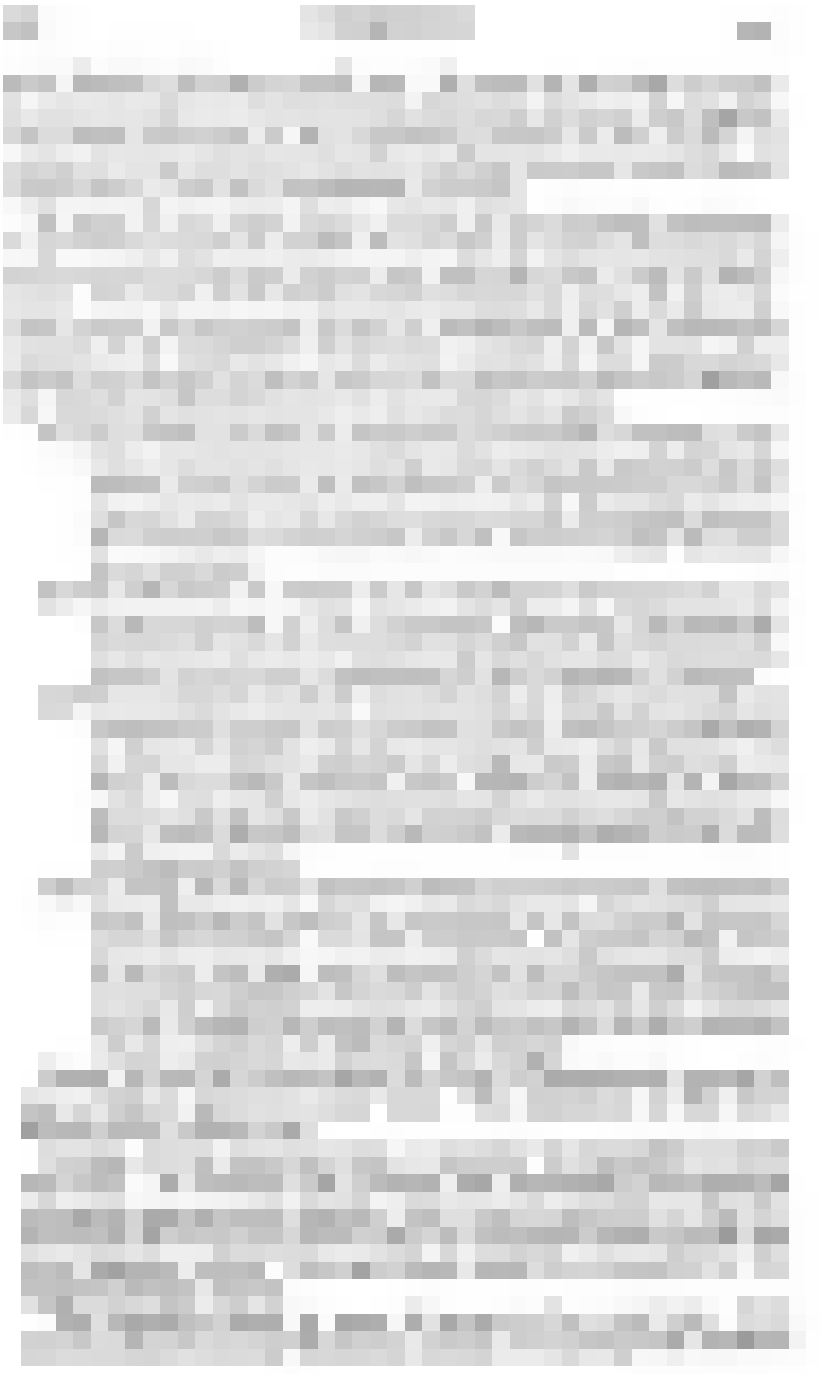

for their own needs, would merely badger the Local Government to cut down expenditure in reserved departments and hand over the savings to the transferred departments. This would be a part of the organized opposition of these Ministries to Government which has been noted as a probable result of the system.

Paras. 49, &c., contemplate the gradual transfer of more powers to Provincial Ministries until complete local self-government was reached, when the Government of India itself would receive autonomy from Parliament in the same way as the Great Dominions.

It is true that the only way to educate men for self-government is to give them responsibility, and it is admitted that our aim should be the establishment of the principles of Dominion autonomy in India by way of Provincial autonomy, but it seems to me that there are serious difficulties and dangers in the steps proposed to this end, and that we ought to devise a means of gradually transferring powers to Indians and educating them for self-government by associating them directly with ourselves in the work of Government instead of putting them into separate compartments and criticizing them from afar. For many years to come India should and must be administered by Englishmen as well as by Indians, and whatever parties may be formed in future, they should not be allowed to crystallize into racial groups.

No. 8. From a European engaged in Commerce

As a criticism on the proposals in your letter to Mr. Bhupendra Nath Basu I have put together a few notes which I think will probably enable you to realize some of the reasons why your projected scheme, as outlined in the letter, cannot in its present form be accepted by the British Commercial Community in India. I am going to write plainly, and this you will, I am certain, appreciate.

1. I am not sure whether you realize both the importance and the peculiar position of this Community. Your letter does not refer to it; in several places you mention the Indian and the Official; in no place do you mention British Trade; I am afraid, therefore, that it must convey a wrong impression to many of the Indians who read it, for they will at once assume that the proposals concern themselves and Officials only, and that British Traders can be left out of account.

I know myself that this is far from being your view, but the impression has undoubtedly been conveyed to some of the British Commercial Community here to whom I have shown the letter, and it is dangerous in the highest degree that it should become a general one.

2. In numbers the purely unofficial British Community in India is very small; in Calcutta it probably does not exceed 3,000 at the present time; for the whole of India a figure is very difficult to obtain, but I think if we put it at 10,000 we shall be on the high side.

It consists almost entirely of men who are not their own masters, but are representatives of numerous shareholders in limited com-

for their own needs, would merely badger the Local Government to cut down expenditure in reserved departments and hand over the savings to the transferred departments. This would be a part of the organized opposition of these Ministries to Government which has been noted as a probable result of the system.

Paras. 49, &c., contemplate the gradual transfer of more powers to Provincial Ministries until complete local self-government was reached, when the Government of India itself would receive autonomy from Parliament in the same way as the Great Dominions.

It is true that the only way to educate men for self-government is to give them responsibility, and it is admitted that our aim should be the establishment of the principles of Dominion autonomy in India by way of Provincial autonomy, but it seems to me that there are serious difficulties and dangers in the steps proposed to this end, and that we ought to devise a means of gradually transferring powers to Indians and educating them for self-government by associating them directly with ourselves in the work of Government instead of putting them into separate compartments and criticizing them from afar. For many years to come India should and must be administered by Englishmen as well as by Indians, and whatever parties may be formed in future, they should not be allowed to crystallize into racial groups.

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panies, and of capitalists in private concerns, who are resident in England, after having spent a large portion of their lives in India.

It therefore follows that an infinitesimally small number of these men can afford the time necessary for taking a large part in public affairs, and few indeed of these would be justified in accepting a portfolio in your new proposal for Provincial Self-Government. The result of your proposals, therefore, would be that your Ministry would be composed of those Indians who might be styled professional politicians, and the control would pass largely to them instead of remaining in the hands of the Civil Service, who may, to a certain extent, be looked upon as the representatives of the British Traders in the Government of the country, and the guarantors to them that they will be justified in investing their money in India.

3. But though in numbers the British Commercial Community is small, yet in its capital, in its enterprise, in its commercial integrity, in all the attributes which now do and will further in the future, contribute towards the peace and prosperity of British India, its importance cannot be over-estimated.

I say without fear of contradiction that it is British Commerce which has made India what it is, and that the unofficial British have done more to mould the character, to improve the standard of living, and to increase the prosperity of India than all the Civilians who have ever been born.

Naturally few British non-officials have come before the public eye, for they have done their work quietly and unobtrusively; you may blame them for not having taken a larger share in public life, for having made their large and small fortunes and retired to their mother country, perhaps without much regret; but sift matters to the bottom and consider what a poor place India would have been without unofficial British, and I am sure you will agree with me that our Commercial Community have played a very large part and must have a very large say in any proposals for the future Government of India.

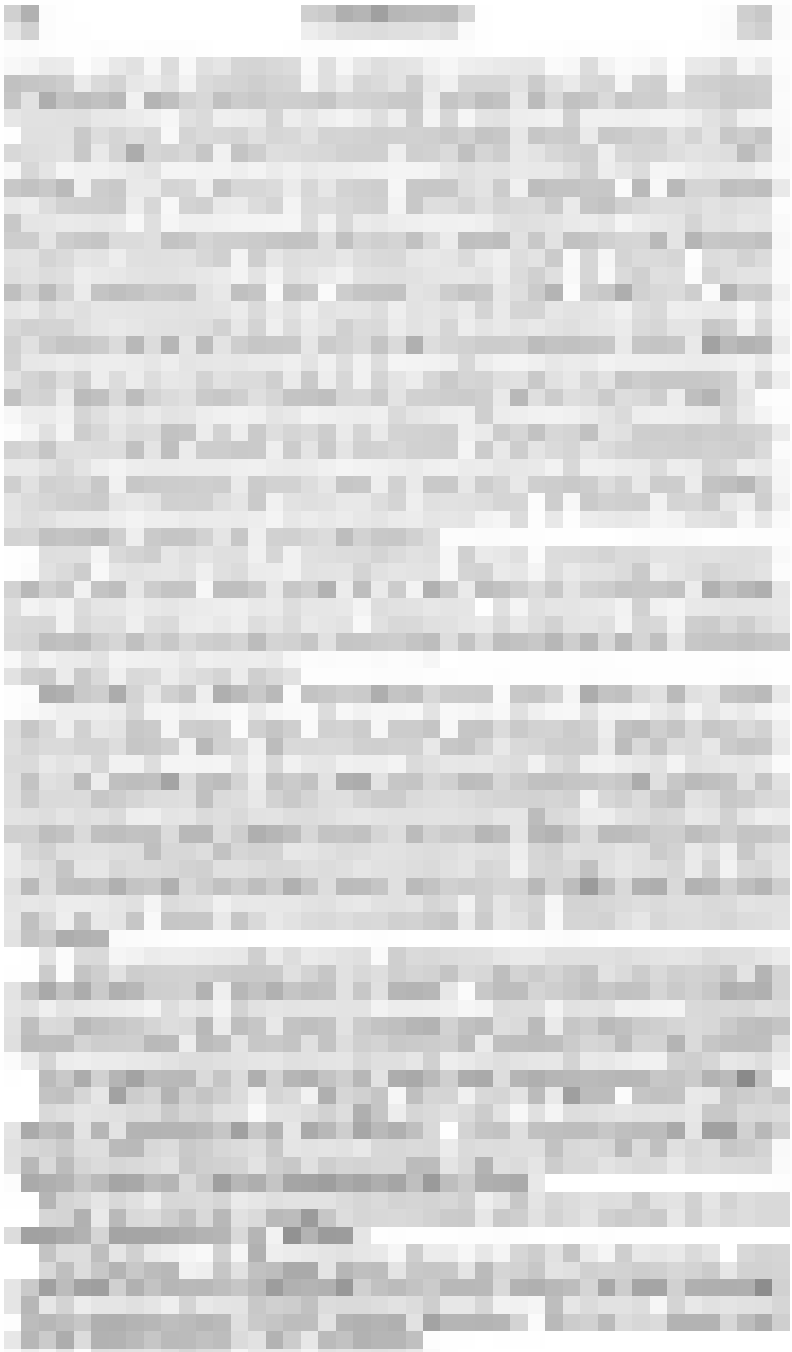
4. Let us now consider how the British Commercial Community has contributed to the prosperity of India. I don't propose to consider the history of the old John Company and the pioneers of British Trade in India, but purely to examine the position as it is at present.

As an example let me take the trade and manufactures of Bengal.

Jute Manufacture.—In Bengal there are 63 Mills, with a block value of approximately £16,000,000. They employ about 252,000 Indian skilled labourers at an average wage of about Rs16 monthly. Their turnover is about Rs42,60,00,000 yearly.

They are entirely managed by British, and their capital is almost entirely subscribed by British.

Tea Gardens.—In Bengal alone there are 300 Tea Concerns, with a capital of about £19,000,000 and a yearly outturn of Rs5,13,00,000. They employ about 133,000 Indian labourers. By far the larger part of the total Capital in Tea is British.



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Coal Mining.—There are 530 coal companies in Bengal and Behar and Orissa, with a capital of about £4,000,000, and yearly output of 15,500,000 tons coal, value about Rs4,75,00,000 at pit's mouth. The number of Indians employed in coal mines is estimated at 135,000, and the average wage earned is about 6 annas daily. By far the greater part of the coal output is from British-owned companies.

Imports and Exports.—In the year 1916–17 the foreign Imports to Calcutta were valued at Rs56,54,00,000, and the Exports from Calcutta at Rs96,06,00,000. I estimate that 75 per cent. of this huge trade was in British hands.

Banking.—There is not a single Bank in Calcutta of any standing managed by Indians. Those few which have been established have proved entire failures owing to bad management.

Shipping.—With the exception of one small Indian Inland Shipping Company there are no Indian-owned lines trading with Calcutta.

In 1916–17 the total tonnage of ships entering Indian Ports engaged in Foreign trade was 5,900,000, and of this about 77 per cent. was British.

5. I think that these figures will bring out my point with sufficient clearness—that no system of Self-Government can be tolerated which does not fully protect the vast interests of the British Commercial Community.

Now para. 32 of your Study assumes that the Provincial Councils are to be directly elected by primary votes and that Officials will have no vote. Let me examine the present membership of the Bengal Legislative Council and see what effect your proposal would have.

The present Council is composed as follows:

3 British Officials ex officio.
10 British Officials nominated by the Governor.
2 Indian " " " "
3 British Non-Officials " " "
5 Indian " " " "
5 British Non-Officials elected by the members of the Chamber of Commerce and other bodies.
23 Indian Non-Officials elected by various bodies.

Total 51, of which 30 are Indians and 21 British.

Delete the Official members and we have a Council composed of 28 Indians and 8 British. You will say that I am proposing to make a racial question of it; I am not, so I will put it in another way.

I do not claim that the British should be in strength on the Bengal Council because they are British alone, but chiefly because of the Interests they represent.

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I do not claim that the British should be in strength on the Bengal Council because they are British alone, but chiefly because of the Interests they represent.

In a Bengal Council denuded of its Official members, whom the non-official British interests regard as their safeguard, you would have an Indian majority which would be able to deal as it wished with the Jute, Tea, and Coal Interests, with the Import and Export trades and Shipping, with the Interests of the Trades Association, with the Interests of the unofficial British generally, and last, but not least, with the Interests of the Domiciled British.

This majority in Bengal would be composed almost exclusively of landlords and lawyers, none of whom have the least knowledge of the interests which I have cited.

6. Therefore the British Commercial Community must insist that if the Bengal Council is to be made an entirely Unofficial Parliament for certain purposes, and if their interests and the interests of Commerce generally are to come under the sway of the Provincial Parliaments, then these interests, which it is claimed are as necessary for the welfare of India as all the interests represented by all the Zemindars and Lawyers of Bengal combined, must be protected by a membership on the Council sufficiently large and important to prevent any undue interference with their industries and trade.

7. How then can we provide an elected Council which will adequately represent the different interests, without racial distinction, but in proportion to their importance to the Province of Bengal.

On the one side you have the Zemindars, all wealthy men of leisure corresponding to the leisured class in Great Britain, and the lawyers who come largely from the same families as the Zemindars, and of whom many are sufficiently well off to take up politics as a profession. On the other side you have not a single member of the leisured class, hardly a man who can call his time his own, men who are working hard for their living, and who cannot possibly afford to give up their time to sitting in Parliament and doing the work of Ministers.

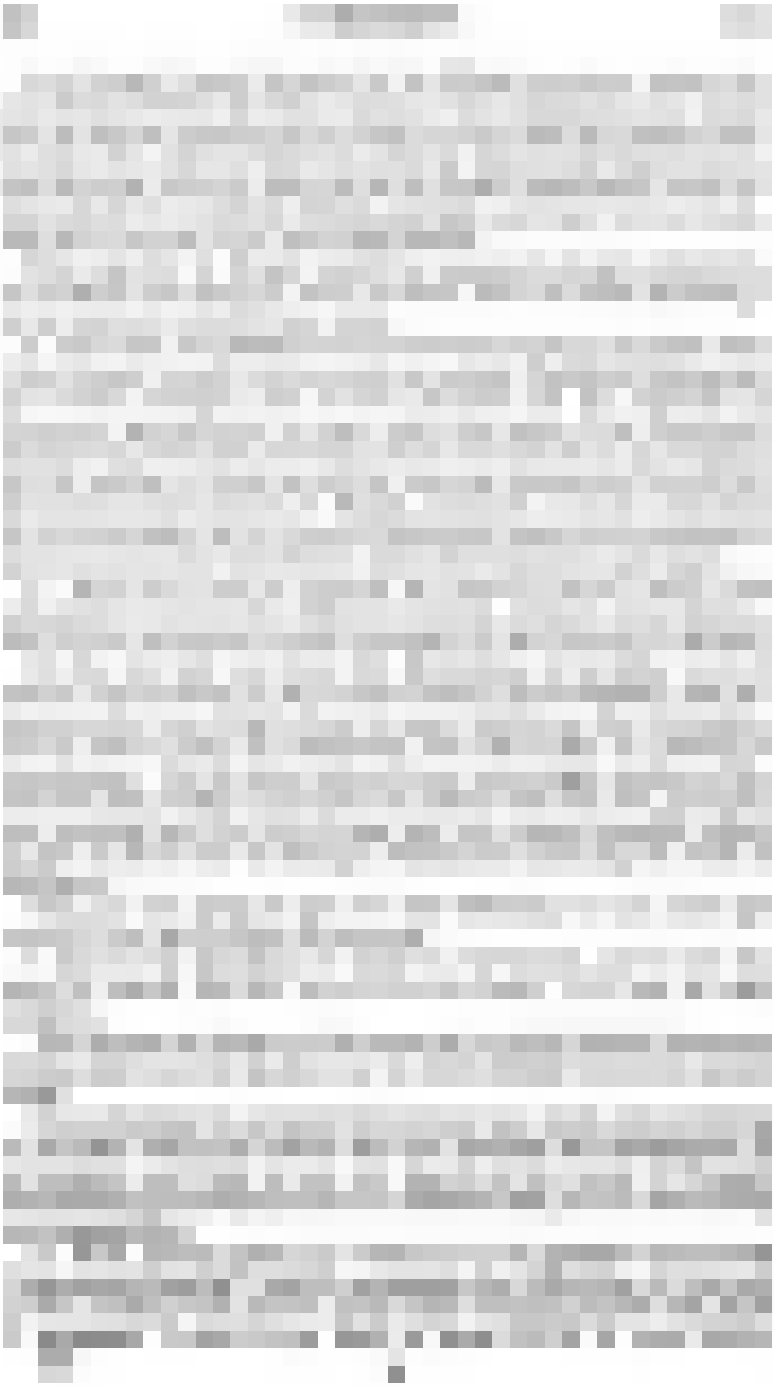
Now, are you going to get over this difficulty, for you must get over it if you are to have our support.

I have so far said that we must be represented, and I now say that we cannot find the men to do the work. It is not an easy problem.

You propose to destroy a Government in which British Commerce trusts, and to put in its place one in which British Commerce cannot trust.

If you destroy the present Government you must put something in its place which will ensure that our Interests are safeguarded as at present, and that we are not placed at the mercy of Bengali Zemindars and Lawyers, and I am satisfied that you are attempting an impossibility.

8. Now, having given my views as to the British Commercial Community because I wish to emphasize the difficulties of this part of the problem first, since it most nearly concerns myself and those I represent, I want to go back to paras. 29–32 of your Study.



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In this connexion I will quote the words of a friend who does not want his name to be divulged, but whose knowledge of the subject is undoubted.

He writes: 'There is a general impression that the present system of governing India will have to be modified before long. The question is, modified in what direction?

'Here again the impression, though vague, seems to be fairly general, namely that the object aimed at must be to make India more self-governing—to give the people of India more real power and responsibility in the administration of their own country. Now, the only form of administration which we English understand is representative Government. I cannot now discuss the question how far India is ready for representative Government of any kind; but I don't see how the present system can be modified by us except in that direction.

'We cannot establish more Native States, but any form of representative Government, however limited, depends absolutely on the possibility of being able to form an electorate. Curtis makes this point perfectly clear, and I agree with him. Indeed, it must be so. The Electorate may be limited, but without an electorate you cannot have any form of representative Government.

'The practical question therefore is for Bengal—Bengal is the only part of India that I know—can a responsible electorate be formed?

'Personally I am doubtful.

'You must remember that the only direct electorate of any importance is the Muhomedan[1] electorate for the Provincial and Imperial Councils. The non-Muhomedan elected members of the Provincial Council are elected by District Boards and Municipalities.

'What I want to emphasize is this, that no political step forward has been taken when you have substituted in whole or in part an Indian Bureaucracy for an English Bureaucracy.

'By all means recognize the claims of competent Indians to office.

'That is being done every day and is bound to be done more in the future for the simple reason that there will not be for the next twenty years Englishmen available, but if all that is possible is "Substituting Indian Officials for English"—this may or may not be desirable—the whole of Curtis's work falls to the ground and is something which becomes purely of academic interest. I hope I have made myself clear.'

9. I have quoted the above because I personally know little about the qualifications of the country Indian for a vote. If, however, it is a fact that a sufficient electorate is not forthcoming, I mean by this an electorate capable of understanding the issues which would come before a Provincial Parliament, the only result of your proposed scheme would most undoubtedly be to substitute a badly-elected Indian for a well-chosen Britisher.

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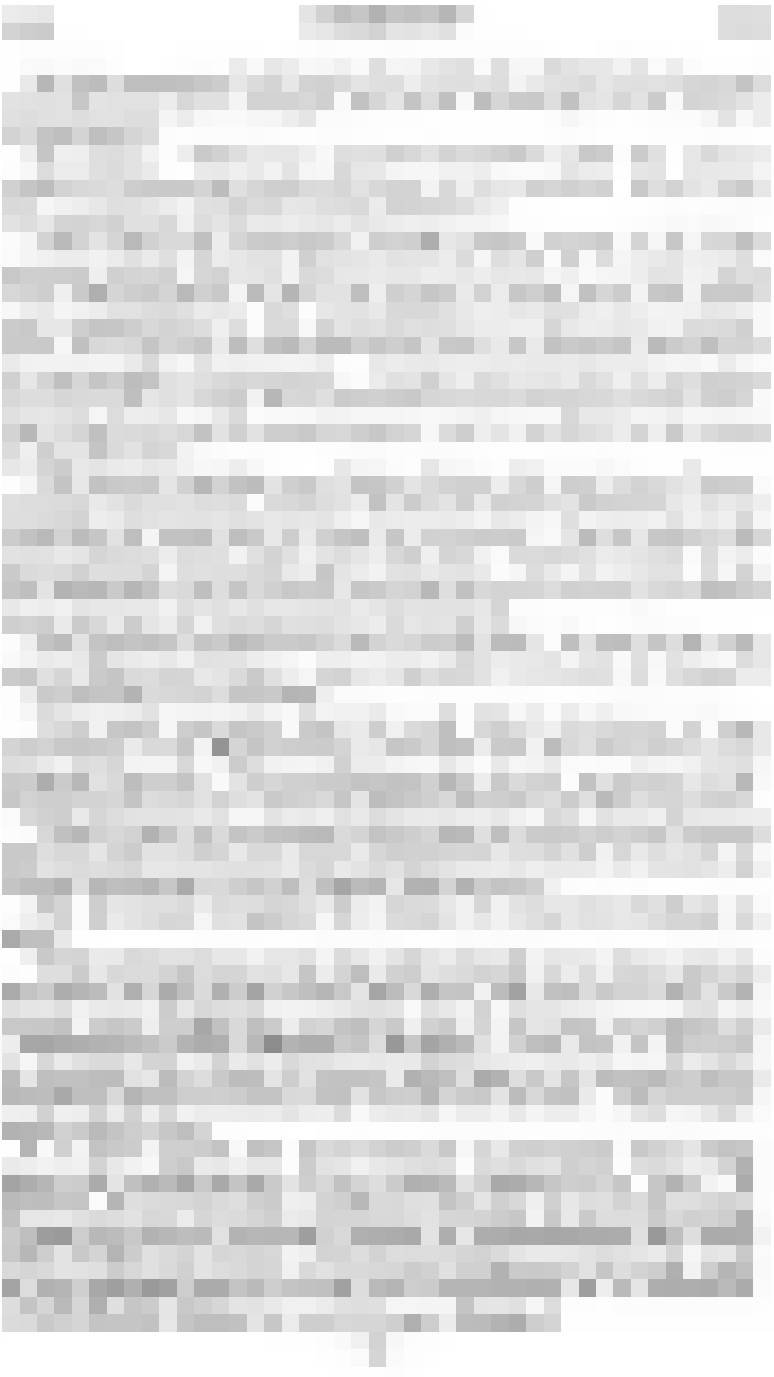

This may satisfy the extremist, but it will most certainly lead to the worse governing of India.

Until, therefore, we can educate an electorate it appears to me quite clear that we cannot have a Representative and Responsible Parliament. But this does not mean that we can do nothing.

We can work in three ways:

(*a*) Gradually educate the elector by giving Municipalities and District Boards more powers and controlling them less.

(*b*) Educate the politician by giving him first much more opportunities for giving advice, with the idea of his being given eventually a share of responsibility.

(*c*) Decentralize by giving Provincial Governments much greater powers.

10. With regard to (*a*) above you point out on page 32 of your Studies No. 1 [1] that in the Central Provinces the practice of making the District Councils independent of the Collector as Chairman has succeeded.

If this were tried elsewhere it would be a very real advance towards self-government, and one of the most practical steps that could be taken.

The greater freedom a District Board has, the greater interest will the people take in its doings, and as a first step, and a step which will be sufficient as regards representative Government for many years to come, I advocate it.

But of course the drawback even to Independent District Boards in most of Bengal is that there will be the grossest and most open forms of corruption, and that the people will, instead of demanding better roads, &c., prefer to pay less taxes.

A good Collector makes his Boards insist on better roads even if it means higher taxation: I am pretty sure that we shall see the opposite with independent Boards.

11. As regards 9 (*b*), I am sure you are going a great deal too fast by proposing a Parliament with Ministers. We must teach the Indian to consider questions of State, possibly allow him in one or two instances to see the results of foolish advice, before we can ever give him the responsibility of acting on his own and the chance of ruining the country.

It seems to me, therefore, that the Provincial Legislative Councils should be made into *real* Advisory Councils, with the Governor as head to take the advice given or not as he thinks best.

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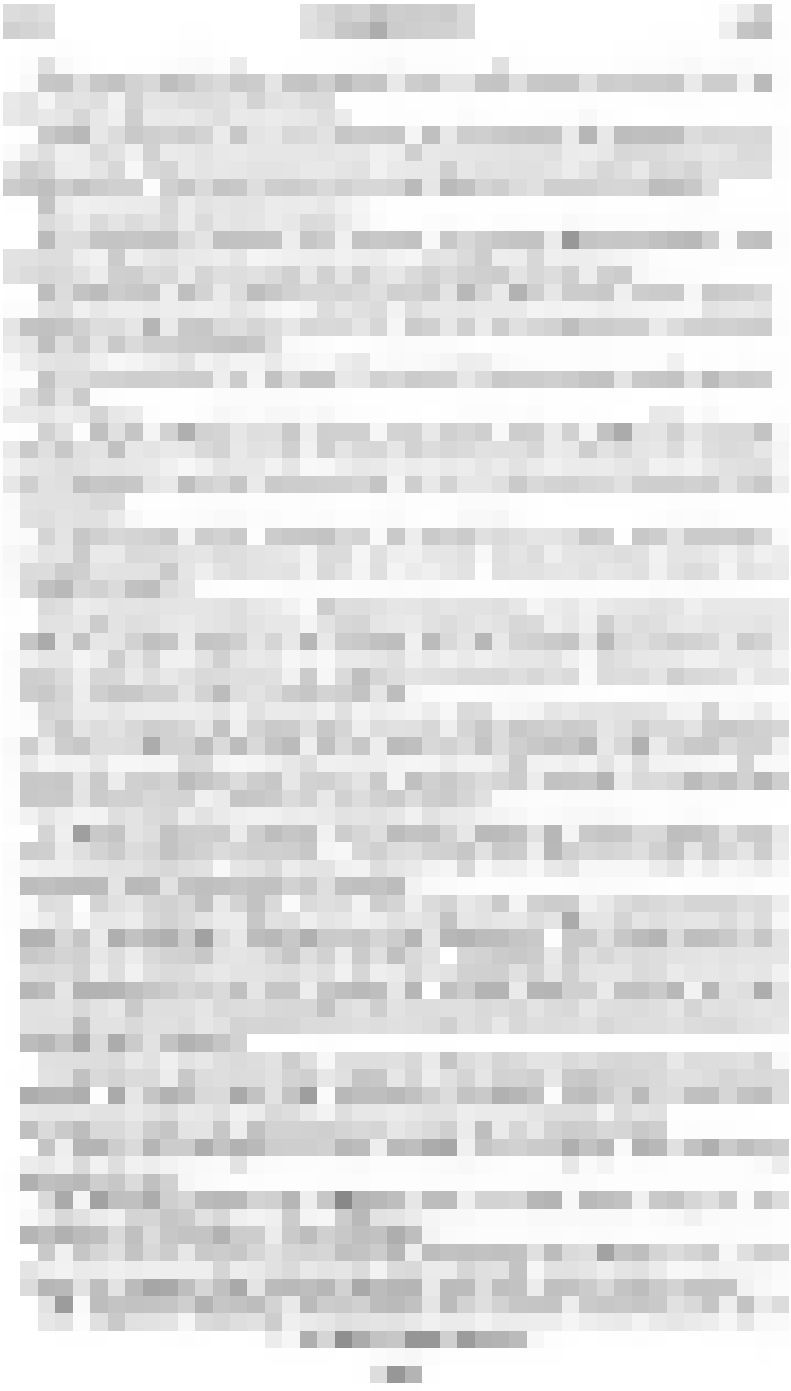

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done in the Municipalities, Port Trusts, &c. These would be a combination of Officials and non-officials, and their Secretary would be the Official Secretary or Under-Secretary in the respective department.

All proposals for Legislation, whether introduced by Government or by a private individual, would go before the Standing Committee. The latter would have full access to Government records on the subject, and would be given ample time to examine the proposed Legislation and report on it.

(*c*) When a proposal had been reported on by the Standing Committee it would go back to the Governor who might accept it or suggest amendments, and finally it would go before the Council.

(*d*) The Governor would not be obliged to accept from his Council any proposals made by them, nor to accept their adverse decision on any proposal of his own, but he would undoubtedly normally do so.

(*e*) If the Governor thus exercised his power of refusing to accept the decision of his Council, the latter might be allowed, if they wished to do so, to bring the matter again before the Standing Committees and the Councils after a certain lapse of time, say three years; when, if the Governor and his Council could still not agree, the matter might be referred to the Viceroy.

(*f*) The qualifications for membership of the Provincial Councils must of course be revised. Commercial Interests, chiefly British, must be safeguarded in the large towns and in areas where they are especially prominent, by a much increased representation.

One of the qualifications must be a genuine residential one in the District represented.

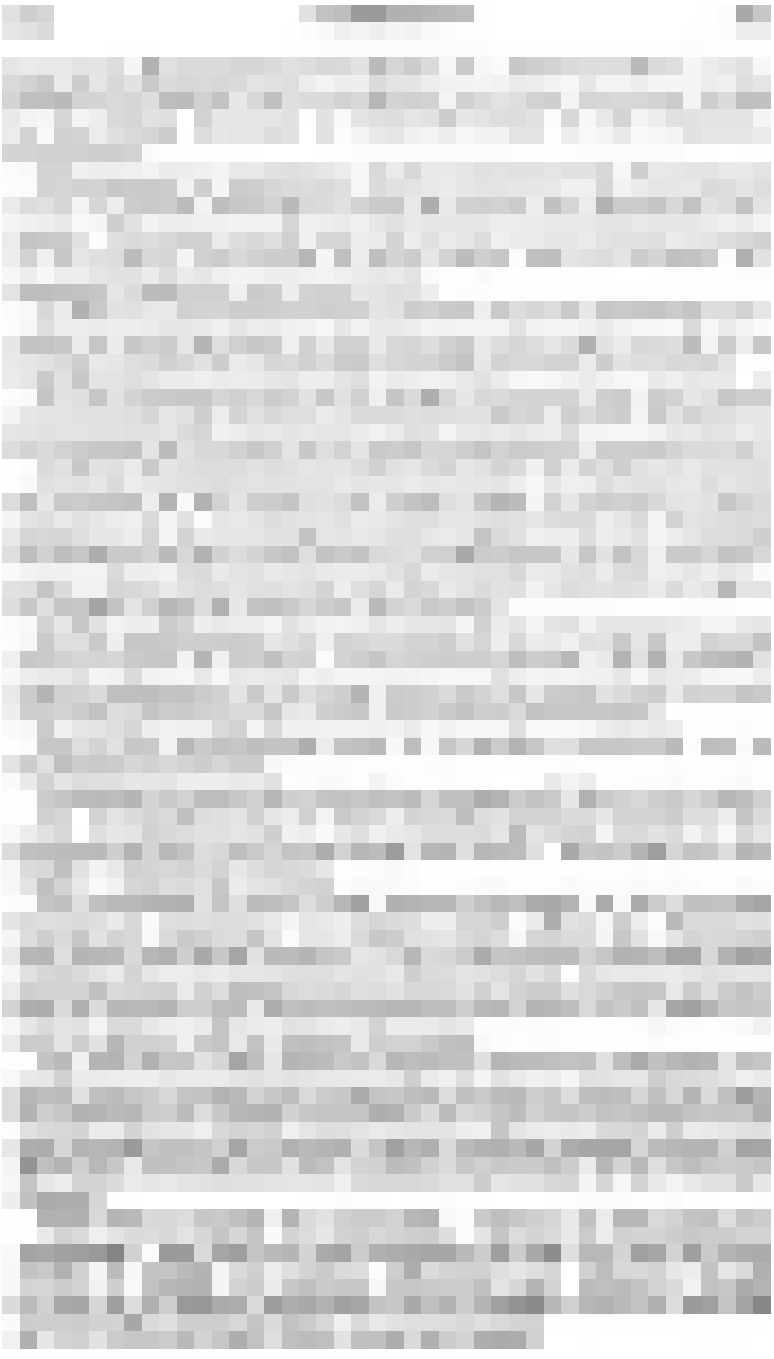
Doubtless in many other directions changes will have to be made.

12. As regards 9 (*c*), we were promised greater control for the Provinces as one of the boons along with Delhi. What has been the result? Absolutely nothing.

The questions of purely local interest discussed in the Imperial Council are numerous; in matters which affect the Provinces only Delhi and Simla interfere; if we Commercial individuals want anything done, we appeal direct to Delhi or Simla, because we know that an appeal to the Local Government will have to be passed on, and the answer will be delayed for weeks.

13. This then is the extent to which I should be personally prepared to go at present (*a*) to teach the electors to elect, (*b*) to teach the politicians to consider and advise, (*c*) to give the Local Governors and through them the Councils, a more complete control in their own Provinces, divorced from the continual supervision of the Viceroy's Council.

This will not satisfy the extremists; I believe it will satisfy the moderates; but what we must remember is that it is not our duty simply to satisfy one section, influential and talkative though it may be, of India's politicians, but to consider how we can best govern India and teach India to govern herself.



done in the Municipalities, Port Trusts, &c. These would be a combination of Officials and non-officials, and their Secretary would be the Official Secretary or Under-Secretary in the respective department.

All proposals for Legislation, whether introduced by Government or by a private individual, would go before the Standing Committee. The latter would have full access to Government records on the subject, and would be given ample time to examine the proposed Legislation and report on it.

(*c*) When a proposal had been reported on by the Standing Committee it would go back to the Governor who might accept it or suggest amendments, and finally it would go before the Council.

(*d*) The Governor would not be obliged to accept from his Council any proposals made by them, nor to accept their adverse decision on any proposal of his own, but he would undoubtedly normally do so.

(*e*) If the Governor thus exercised his power of refusing to accept the decision of his Council, the latter might be allowed, if they wished to do so, to bring the matter again before the Standing Committees and the Councils after a certain lapse of time, say three years; when, if the Governor and his Council could still not agree, the matter might be referred to the Viceroy.

(*f*) The qualifications for membership of the Provincial Councils must of course be revised. Commercial Interests, chiefly British, must be safeguarded in the large towns and in areas where they are especially prominent, by a much increased representation.

One of the qualifications must be a genuine residential one in the District represented.

Doubtless in many other directions changes will have to be made.

12. As regards 9 (*c*), we were promised greater control for the Provinces as one of the boons along with Delhi. What has been the result? Absolutely nothing.

The questions of purely local interest discussed in the Imperial Council are numerous; in matters which affect the Provinces only Delhi and Simla interfere; if we Commercial individuals want anything done, we appeal direct to Delhi or Simla, because we know that an appeal to the Local Government will have to be passed on, and the answer will be delayed for weeks.

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If we make a false step, if we allow India to attempt to govern herself before she is ready for it, the result can only be disaster and confusion, leading eventually to one inevitable climax—the reconquering of India.

In the long run it will be better to give what we believe to be right at the right time, even if all are not satisfied, and even if we have to face for a time a very troublous period, than to give what we know is too much and to have to withdraw afterwards what we have given.

I think that one of your own principles is that it is better to stick to what you believe to be right rather than to give way to what you believe to be wrong because it is the easier way.

It is the old story of the narrow path beset with difficulties and the broad path which leads to destruction.

We cannot treat India like a Colony, and we must insist that for many years to come the British Raj in India must be paramount.

No. 9. From a Missionary and Teacher

1. The general principles of gradual devolution to a responsible executive is obviously sound, and the details of your Schedules on the whole commend themselves. The only criticisms I have to make on them are:

(*a*) The Opium Department—is essentially imperial and not provincial: it is just the working of a state monopoly and does not affect the welfare of the people. I don't really know why its personnel is provincial now. It only operates (I think) in three Provinces; and sales are all in Calcutta.

(*b*) Factories—I should be inclined to transfer this to Schedule III. It is a case, *like the old Transvaal one*, of big financial interests belonging mainly to a community practically unrepresented. Moreover, your legislatures, drawn exclusively from the professions and the landed interests, will be more incompetent even than most legislatures to deal with factory control.

2. But what I chiefly want to say is that the question of the *franchise* is what requires the most careful investigation.

What one wants is, of course, something elastic—something that will meet present conditions but will not have to be revised in principle and will expand naturally with the development of the country.

Now we are up against several tough facts, the first of which is that the Government of India have given us a false start in the franchise based on religious communities. I do not see how we can get on at all unless we throw that over.

Then there is the fact that, though there is the basis of a reasonable Electoral system in Municipal areas, there is absolutely nothing at present that can be called an Electorate for rural districts. And you must remember that the Municipalities are a smaller proportion of the whole than in any other country, and that town dwellers and their leaders are getting increasingly out of touch with the rural

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population and agricultural interests. Somehow the electoral system ought to establish a contact with the village *Panchayat*.

And there is the bogey of *Caste*. I think it probable that the reason why the Hindu community acquiesced in the separate electorate of Moslems was that they saw in it a principle which might be used in the interests of the caste system. It must never be forgotten that politics, as they are understood in this country, are largely influenced by the Brahman interest. Our electoral system ought to be laid on such lines that caste distinctions cannot be introduced into it.

3. These considerations make a problem of very great complexity, which you *seem* to have dismissed as if it were a comparatively small matter. Quite probably I am wrong in getting the impression that you have not got a view of the difficulties that lie here. Possibly again I am wrong in thinking that the franchise settlement is of absolutely primary importance at the beginning of things. Your experience, of course, enables you to judge of that.

Comments by Indians in the Service of Government.

No. 10. From a School Inspector

I think it is but fair that I should begin by a confession. Like most Indians I was dead against the idea of the Colonies having anything to do with the administration of India. No doubt this intense feeling of distrust was due partly to the unjust treatment meted out to Indians in the Colonies and partly to the rough and somewhat overbearing conduct of such colonials as are to be seen in this country. The latter statement must not be interpreted into a sweeping condemnation of all the colonials in India, for personally I am acquainted with one or two whose urbanity, refinement, and sympathy leave little to be desired. All that is meant is that in this respect they suffer when compared to the English gentleman, and the Indians have a natural aversion to the introduction of a new and to them unattractive element in the supreme governing body of their country. A perusal of your open letter to the educated Indians and of your confidential memorandum on Self-Government in India has, however, compelled me to modify my views to a very large extent and personally I am prepared to admit that some such scheme as propounded by you is more likely to hasten the day of Self-Government in India—a consummation which, judging from your note, is as devoutly wished for by you as by the most ardent Indian nationalist. But in order that the scheme of your Imperial Parliament might give the best chance to India and might therefore be acceptable to thoughtful and patriotic Indians, it is essential that India should find an adequate representation in both the proposed Houses and that in dealing with all Indian questions it should be clearly recognized as the basic principle of administration that Self-Government for India was the aim towards

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Allow me to point out that in para. 14 of your memorandum you are not quite right in stating that double Government, or 'dyarchy' as you term it, is altogether foreign to bureaucratic conceptions; for, as a matter of fact, the system already prevails in some forms in the Government of India. For instance, while most of the administrative control of a Province is under the Local Government there are Departments—like the Finance, Posts, and Telegraphs—which are directly under the control of the Government of India. And indeed something in the nature of 'dyarchy' is inevitable if autonomy is to be given to Provincial Councils the existence of which is, as you rightly maintain, essential in a large country like India. So far as Indian sentiment is concerned there is absolutely nothing against the idea.

While agreeing with you entirely that Self-Government in order to be real must depend upon and derive its inspiration from a general electorate, I am of opinion that a suffrage exclusively based upon mere individual qualification is not suited to the actual conditions of the country in its present stage of intellectual development. I have no hesitation in admitting that a general electorate can easily be formed in urban areas which could and would exercise its privilege of voting with intelligence and judgement. But when we come to think of rural tracts I am very much afraid that the general

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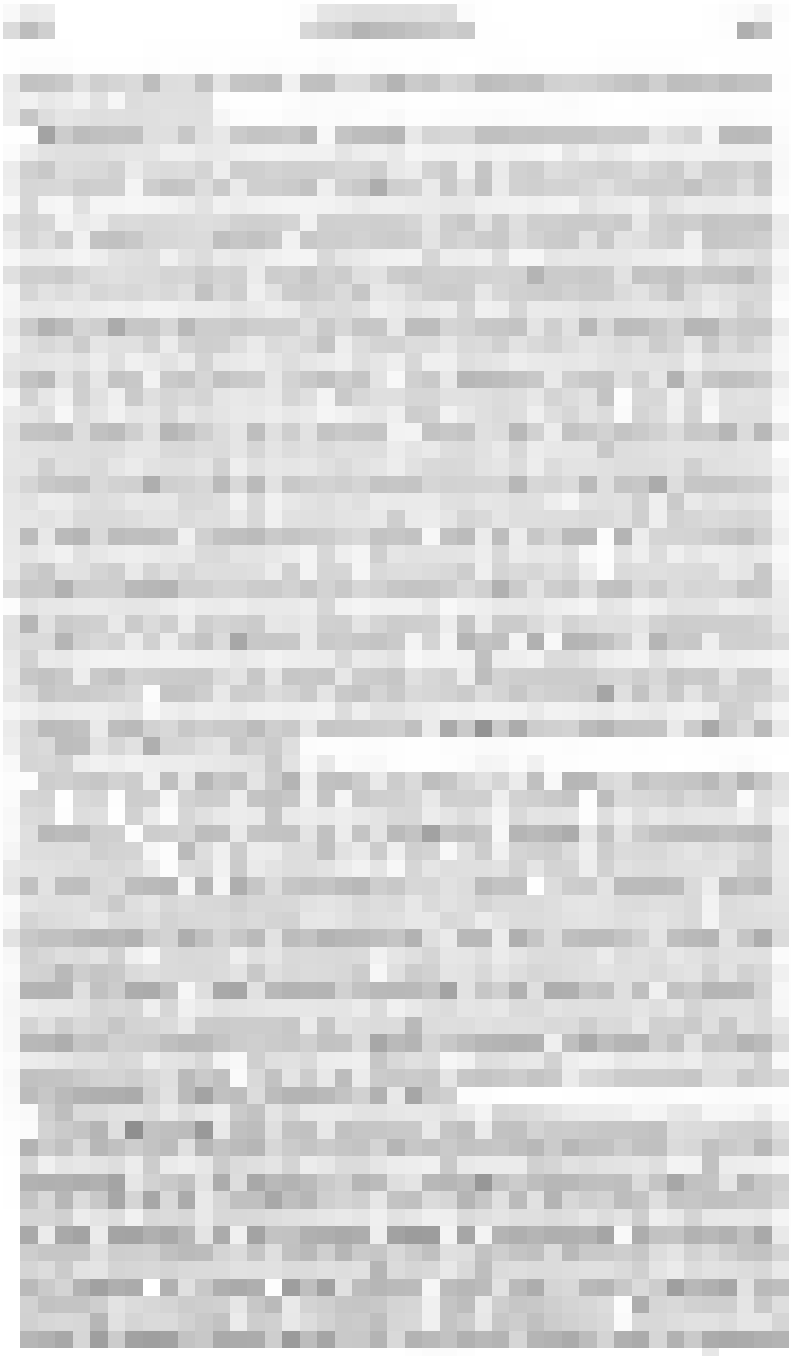

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The extent of powers with which the Provincial Councils will be entrusted depends naturally upon their fitness, but you have not mentioned the authority which is to determine the question of fitness. It is to be hoped that the deciding voice will be that of the Imperial Parliament so long as the Government of India is not autonomous.

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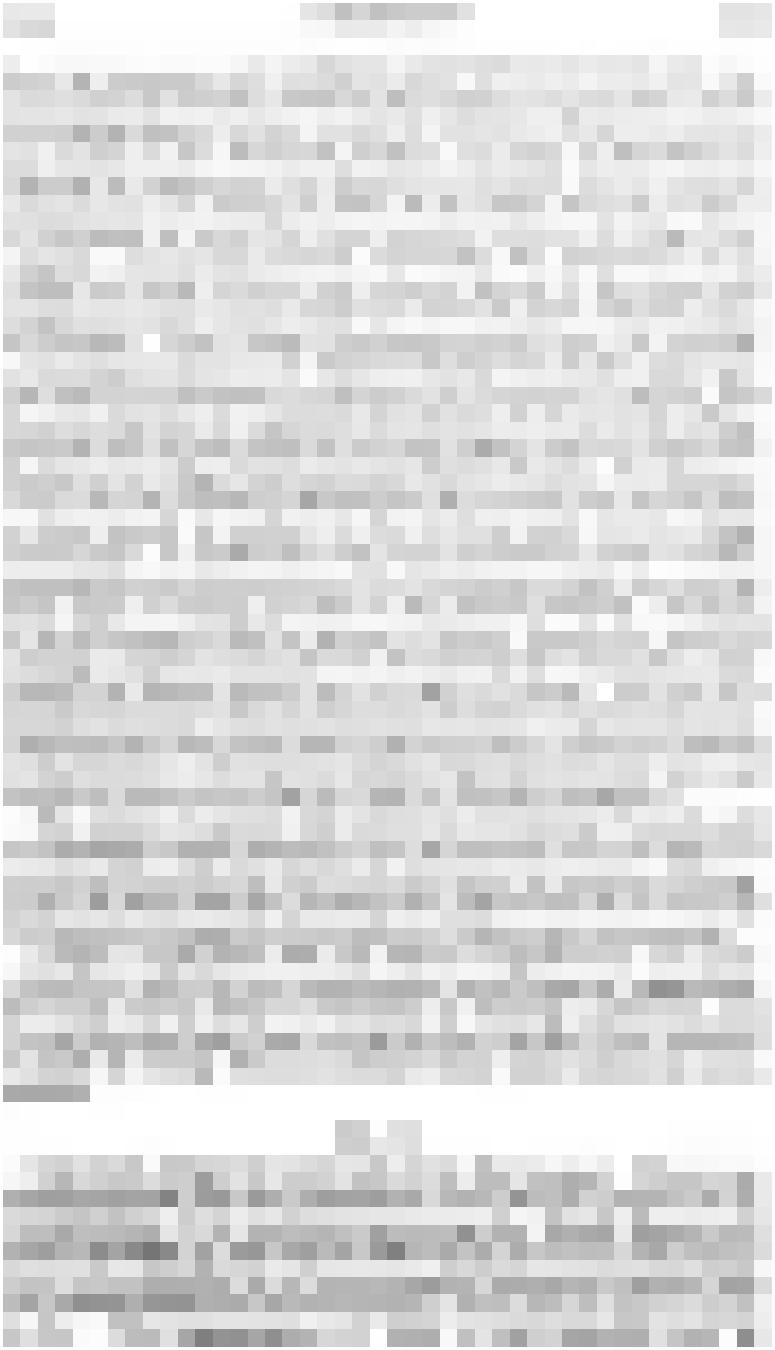

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(*b*) In political and other respects India is not sufficiently advanced, and has a diversity of interests and races, and hence she stands in need of more help, which can be secured only by larger representation in that assembly.

The Indian point of view should, I think, be placed before the Commonwealth Parliament directly by pure Indians, chiefly elected with a few nominated members from among the aristocracy and the ruling native chiefs.

Your scheme of befitting India for self-government may be quite a frank and genuine one, but I should think that unless a definite goal and time is fixed and determined, suspicion and distrust of Government measures will never cease. The fixing of a goal to be reached in a fixed time will give an impetus to the public, and will exercise a much healthier effect on the public mind.

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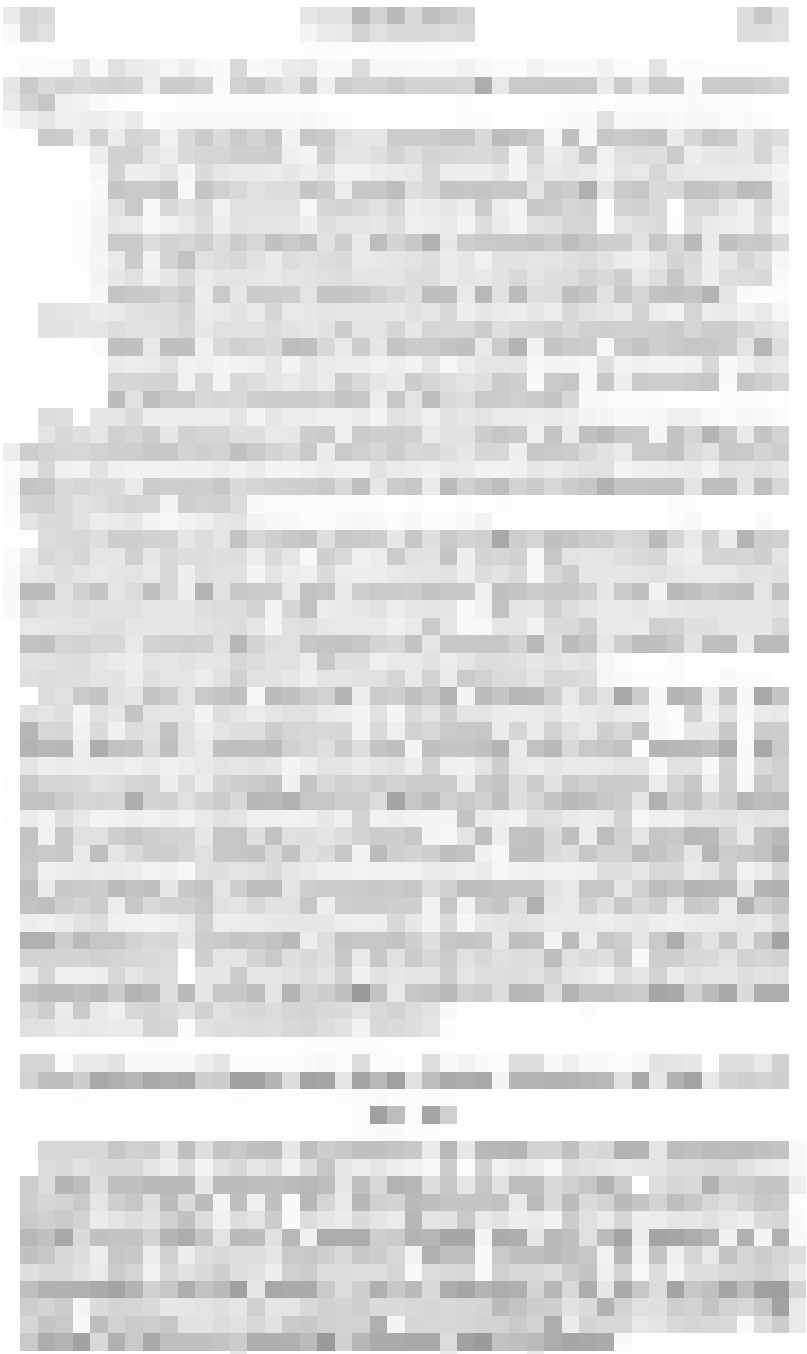

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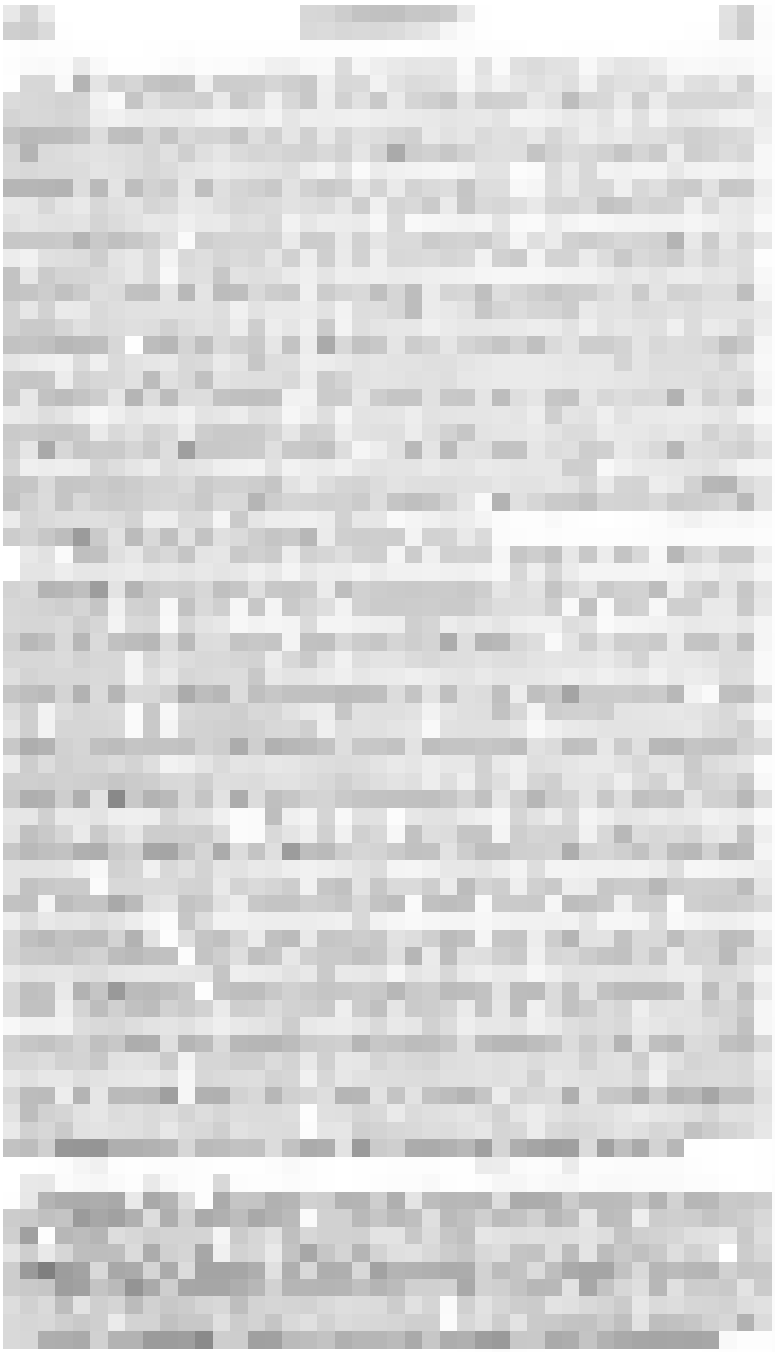
2. It is worth examining the history of official opinion on the question. Towards the end of the eighteenth century it appeared probable that we were to be the rulers of India, and the thoughts of officials constantly examined the difficulties of that position and the means by which we could make it successful. All the leading men at the end of the century saw the great danger and difficulty of our responsibilities. And all saw the importance of associating as far as possible the inhabitants of the country with our administration. To some, such as Malcolm, the safest course appeared to leave the Indian Governments as far as possible undisturbed in their several territories; others such as Munro were impressed with the importance of giving high official appointments in our own administration to natives of the country. The most clear and wise account of the problem, of our mistakes, and of the dangers in front of us, is given in Sir Thomas Munro's minute. 'On the state of the country and the condition of the people', dated December 31, 1824, and I suggest this be read in view of the present position. It is printed on page 124 of Gleig's life of Sir Thomas Munro, vol. ii.

3. This minute shows how far we were going in the direction of taking upon us the whole administration of this country, but his warnings and those of other distinguished men of the time did little to arrest the course that was being taken. The need and the fascination of restoring order out of chaos was as a rule too insistent for the political administrator to see the dangers ahead. And the policy of substituting wherever possible British for Indian agency found its culmination in the strenuous years of Dalhousie's administration, and was certainly one of the causes of the Mutiny. And the Mutiny in its turn perpetuated the policy of which it was really the outcome. We do not perhaps always appreciate the tremendous effect of the Mutiny on the minds of the Civil Administrators. The Civil Service was then a fairly close corporation and its members were interconnected with each other by various relationships. There was hardly a man who had not lost some woman relation, and the tragedies of the time completely clouded their judgement. Russell notes how bitter was the attitude of the Civil administrator compared with that of the military, so though many civilians were capable of seeing the mistakes of the policy that had lead to the outbreak, the prejudices aroused by the outbreak were so strong that there was no chance of the administration taking a more liberal turn. If this view of the matter is considered an exaggeration, let me quote the following passage from R

December 18th. We went to see the Jumma Masjid which is held now by a battalion of Beloochees. I sincerely hope that the plan proposed by Mr. Phillip Egerton, the Magistrate of Delhi, may be carried out. He suggests that the Mosque be used henceforth as a Christian Church, and on each of the thousand compartments of the marble floor, the name of one of our Christian Martyrs be inscribed. It is the general opinion that it would be madness to restore this noble building to the Mohamadens.



2. It is worth examining the history of official opinion on the question. Towards the end of the eighteenth century it appeared probable that we were to be the rulers of India, and the thoughts of officials constantly examined the difficulties of that position and the means by which we could make it successful. All the leading men at the end of the century saw the great danger and difficulty of our responsibilities. And all saw the importance of associating as far as possible the inhabitants of the country with our administration. To some, such as Malcolm, the safest course appeared to leave the Indian Governments as far as possible undisturbed in their several territories; others such as Munro were impressed with the importance of giving high official appointments in our own administration to natives of the country. The most clear and wise account of the problem, of our mistakes, and of the dangers in front of us, is given in Sir Thomas Munro's minute, 'On the state of the country and the condition of the people', dated December 31, 1824, and I suggest this be read in view of the present position. It is printed on page 124 of Gleig's life of Sir Thomas Munro, vol. ii.

3. This minute shows how far we were going in the direction of taking upon us the whole administration of this country, but his warnings and those of other distinguished men of the time did little to arrest the course that was being taken. The need and the fascination of restoring order out of chaos was as a rule too insistent for the political administrator to see the dangers ahead. And the policy of substituting wherever possible British for Indian agency found its culmination in the strenuous years of Dalhousie's administration, and was certainly one of the causes of the Mutiny. And the Mutiny in its turn perpetuated the policy of which it was really the outcome. We do not perhaps always appreciate the tremendous effect of the Mutiny on the minds of the Civil Administrators. The Civil Service was then a fairly close corporation and its members were interconnected with each other by various relationships. There was hardly a man who had not lost some woman relation, and the tragedies of the time completely clouded their judgement. Russell notes how bitter was the attitude of the Civil administrator compared with that of the military, so though many civilians were capable of seeing the mistakes of the policy that had lead to the outbreak, the prejudices aroused by the outbreak were so strong that there was no chance of the administration taking a more liberal turn. If this view of the matter is considered an exaggeration, let me quote the following passage from R

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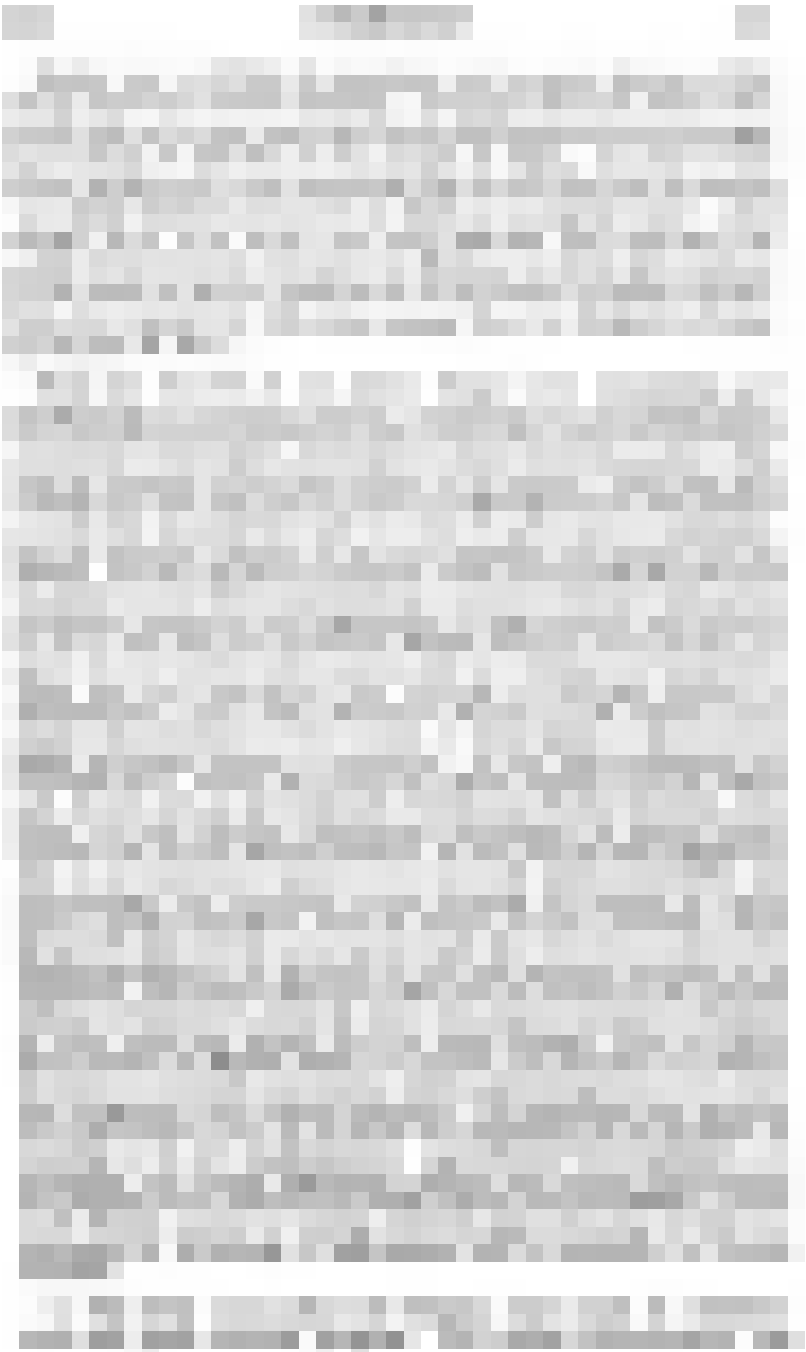
Raikes was a civilian of experience and a great admirer of Sir Henry Lawrence and his disciples: recognized that the bulk of the people had not in any way joined in the outbreak, and when younger had feelings of affection to the people of India. In view of the above quotation it is not surprising that he ends his book by saying '*we should legislate and govern in India as a superior race*'. And though there were many men who attacked and criticized the policy of Government even after the Mutiny, we did in fact continue on the whole to govern without the co-operation of Indian opinion. Take for example the following passage from the *English in India*, by Captain E. Bell:

While the founders of our Indian Empire were maintaining and strengthening a precarious position, controlling and conciliating allies, and contending with powerful enemies, whom they could not but respect and admire in some degree, the English in India continued to place a high value on the good will and good opinion of the natives. While they were evoking peace and order out of a chaos of conflicting interests, they learned at every step to appreciate both the value of native tact in negotiation, and the powerful influence of our own reputation for honour and fair dealing. And as in all times of conquest, crisis, and real difficulty the work was done by a few heroes and statesmen, our most celebrated tasks of the pacification, settlement, and organization of large provinces were effected by one or two able and experienced English officers in each province, by means of some special native agency and the existing local authorities. These able and experienced men—first-rate or third-rate soldiers or administrators—never make themselves offensive to the natives, never despise the inhabitants of the country, or think lightly of their ancient rights, privileges, customs, or prejudices. In fact, they understood and respected them. Search the works, the official writings, and the official acts, of such men as Lord Metcalfe, Sir Thomas Munro, Frederick John Shore, Sir John Malcolm, Mountstuart Elphinstone, Sir Henry Russel, General Low, and Sir Robert Hamilton, for the proof of these allegations. But as our supremacy became every day more surely established and acknowledged, the immediate obvious necessity for reliance on native agency rapidly diminished, until the stream of home patronage, which grows with what it feeds upon, has at length filled the whole country with English gentlemen to be provided for, and with apparent functions to be performed. The mass of European idlers and non-entities in the civil and military services don't certainly add to the physical strength of England in India, while they detract from her moral strength, lower the native ideal standard of English ability and honour, and introduce an element of insolence, contempt, and tyranny, which is most dangerous to our power and derogatory to our national reputation. The same great vice pervades our entire system, and an unnatural and degrading rule of exclusion is manifest in all our establishments; appointments for Englishmen are multiplied, and young Englishmen without any peculiar qualifications are placed in minor positions, the duties of which could be fulfilled in a much more efficient manner by natives, with the great advantage of their improvement in knowledge, in self-respect, and in attachment to British interests.

4. The forty years after the Mutiny were years of construction and great material progress. The Indian administrator was



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But let there be no hypocrisy about our intention to keep in the hands of our own people those executive posts—and there are not very many of them—on which, and on our political and military power, our actual hold of the country depends. Our Governors of provinces, the chief officers of the army, our district officers and their principal executive subordinates, must be Englishmen under all circumstances that we can now foresee, and in all departments of essential importance there must be selected Englishmen to maintain a standard of high efficiency.

Compare this with Sir Thomas Munro's :

There is one great question to which we should look in all our arrangements : what is to be their final results on the character of the people ? Is it to be raised or is it to be lowered ? Are we to be satisfied with merely securing our power and protecting the inhabitants, leaving them to sink gradually in character lower than at present, or are we to endeavour to raise their character and to render them worthy of filling higher situations in the management of their country, and of devising plans for its improvement ? It ought undoubtedly to be our aim to raise the minds of the natives, and to take care that whenever our connexion with India might cease, it did not appear that the only fruit of our dominion there had been to leave the people more abject and less able to govern themselves than when we found them. Many different plans may be suggested for the improvement of their character, but none of them can be successful, unless it be first laid down as a main principle of our policy, that the improvement must be made. This principle once established, we must trust to time and perseverance for realizing the object of it. We have had too little experience and are too little acquainted with the natives, to be able to determine without trial what means would be most likely to facilitate their improvement. Various measures might be suggested which might all probably be more or less useful, but no one appears to me so well calculated to ensure success, as that of endeavouring to give them a higher opinion of themselves, by placing more confidence in them, by employing them in important situations, and perhaps by rendering them eligible *to almost every office under the Government.* It is not necessary to define at present the exact limit to which their eligibility should be carried, but there seems to be no reason why they should be excluded from any office for which they were qualified without danger to the preservation of their own ascendency.

Strachey, looking upon many years of wise and beneficent activity, saw the achievement. But we looking from a greater distance can now see another side of the picture. We are no longer confronted with the difficulties of keeping order or the establishment of the administration. The work has been done : we can see the fruits and we feel doubts as to their perfection. Our doubts may be put in the words of Hobhouse :

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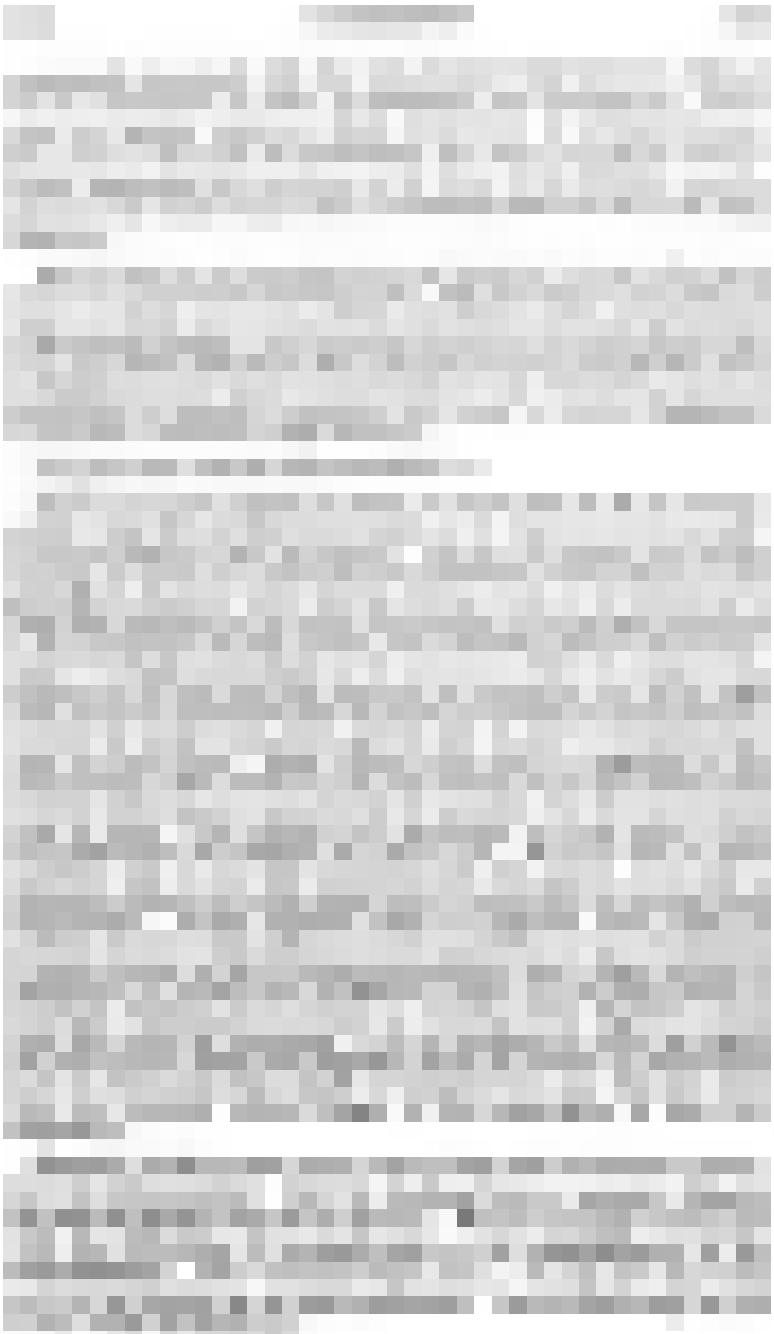

What is spontaneous in a people, be it in the movement of an individual class, or a nation, is always the source of life, the well-spring of the fresh force which recruits jaded civilization. In proportion as the weight of government succeeds in crushing this spontaneity, in that proportion, alike whether its administration be conscientious or profligate, aimed at the happiness of the governed or their misery, it tends inevitably to arrest development and inaugurate a period of decay.

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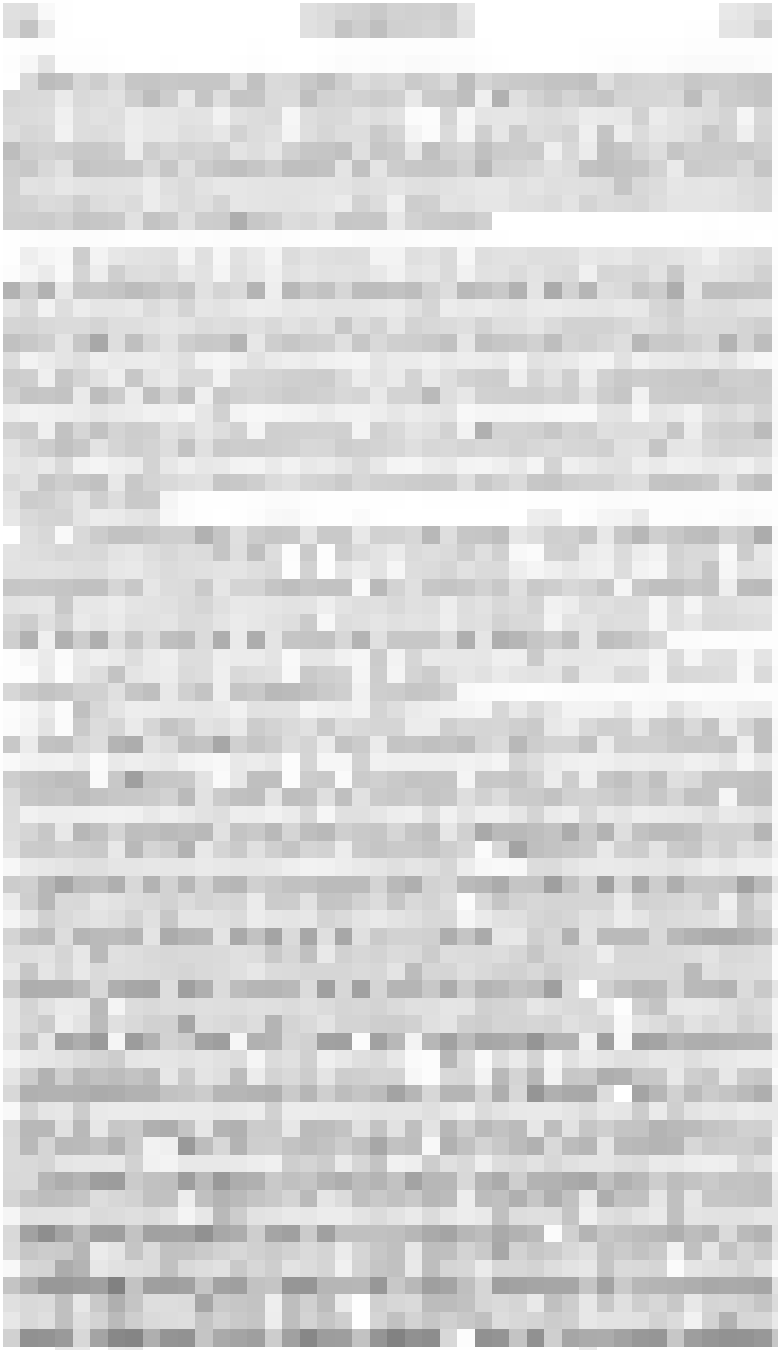
6. I entirely agree with you in your paras. 12 and following that provincial responsibility is very important. For one thing the government is too centralized and reforms that are possible and would be successful in some provinces would be a failure in others. We must try and go at different paces at different places.

7. I agree with your para. 24 that the official vote should be removed from the Legislative Council.

8. With regard to your para. 29, I am afraid I must confess that I have little confidence in any electorate that can at present be scraped together. And the electorate would be almost entirely controlled by the press and by a desire to oppose government, but I am not prepared to say that the risk of granting real power to the electorate should not now be undertaken. Whether your scheme is a practical one or not, is a matter that I cannot give an opinion upon without a great deal of detailed study. But hand in hand in any such scheme there must go in my opinion: (1) A clear realization by the Government of India of the great importance of doing everything to make the country fit for self-government. I have dwelt on this. (2) A large increase of Indians in public service. The method of doing this that will *ruin* the administration is simultaneous examinations for the civil service. We must recognize that our administration is formed for an alien race of officials; and we must alter it in many ways if power is to be given to the inhabitants of the country. This is a large subject, and I will not pursue it now. If the great importance of admitting the best Indians into our public service is once realized the out-of-date regulation that at present makes this impossible can soon be swept away. Let us reflect that though a hundred years are past since Munro's minute we have something under twelve natives of India in positions of real authority in the whole of British India. In addition to this we have a good many judges and a few district officers. But all important measures



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> This policy is dictated not by any belief in the inherent superiority of private over State management, but by preference for an established system and above all, by the necessity of concentrating the direct energies of the State and the bulk of its available resources upon the improvement and expansion of elementary education. The policy may be summarized as the encouragement of privately managed schools under suitable bodies, maintained in efficiency by Government inspection, recognition and control, and by the aid of Government funds.

In view of the condition of the country this was an unwise position. Primary education is relatively unimportant, but we must have the best higher education, the other will follow. In this country everything has always been done by the government, and it is no good telling the people, poorly educated as they are and unaccustomed to administrate anything, that if they want higher education they must arrange for it. That is what government did in Bengal, with the most fatal results. We have got to consider the history of this country: we have introduced into it western progress, railways, and newspapers; but we have not, as we had in Europe, a well-educated class and number of educational institutions richly endowed. That being the case we have got to supply what is a vital part of the well-being of the country. Japan has taken a complete government control of secondary education and spends twice as much as the Government of India. In India at present there are not enough of English schools, and they are nothing like good enough; the universities are of the lowest possible standard. The teachers in the high schools are not of the class we require, and we must pay them far more. The system and curriculum is, I am told by all thinking men, extremely bad. It is for this reason that political progress is so extremely difficult. Public opinion is at present dominated by 'the press', and it is almost impossible to reason with the leaders of the people.

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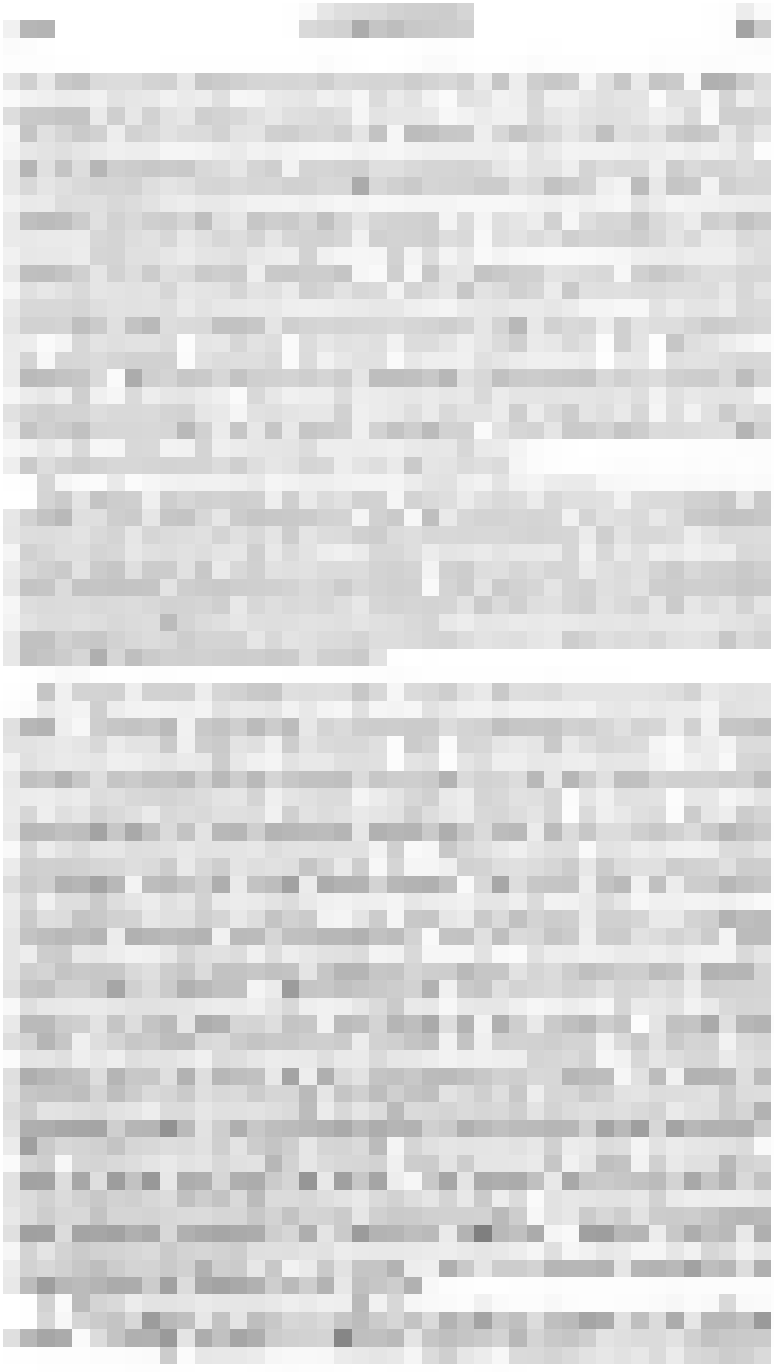

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> The boy who had been instructed in the morality of the Gospel, and had tasted the literature of the West, grew up as a man into the admirer and often the partisan of the English. . . . The students of Agra, Farrukhabad, Benares, Delhi, or Bareilly, who had been instructed either at the government or mission colleges, behaved in a much bolder manner, and often at the risk of their own lives openly declared their adherence to the British cause.
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> It is further to be remarked that it is education in and by the English language, and that alone, which has seemed to chain the students to our fortunes. Some of our bitterest enemies were the native doctors and surgeons who had studied European Science in the Vernacular all their lives.

10. Even now it is surprising to find how much affection for England and English language is to be found in many of the educated classes, and pride in the Empire by means of the English language is capable of being a great asset in future.

11. I must apologize at having written at such length and yet given so little of detailed criticisms of your main scheme. My excuse is that the changes that I try to advocate seem to be essential if any projects towards self-government are to be a success.

No. 13

I agree to the declaration of self-government as the ultimate objective of British Policy in India (your para. 8). Indian patriotism and loyalty to the Empire have, as Bipin Chandra Pal says, to be reconciled and nationalist ideals to be co-ordinated with the Imperial connexion.

2. Also I think it very desirable that the solid official vote should be abolished, and the non-official members be at liberty to pass resolutions which are only recommendations to Government, and even to frame legislation subject to the operation of the veto—your para. 24. No legislation, however, should be initiated without the permission of the Governor or Lieutenant-Governor-in-Council.

3. As to substituting direct voting by all qualified persons (your para. 29) for the present system, whereby members of District Boards and Municipalities elect delegates to vote—I am doubtful. The existing system was, I presume, intended to widen the basis of representation by extending it to small landholders and shopkeepers

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who, though not qualified to form a judgement on provincial problems, are qualified to choose persons who will conduct their local concerns and will elect for the Provincial council such members as will look after the interests of these small landholders and shopkeepers. Another object of the system was no doubt to add to the importance of a seat on the District or Municipal Board. On the whole I think these considerations outweigh the objections pointed out in paras. 28 to 30.

4. I now come to the definite scheme of parliamentary Government in certain departments of administration. My first and fundamental objection is that Upper India at any rate is not ripe even for representative far less for responsible government.

5. The standard of integrity and education and industrial progress in rural India is wofully low. In my district of over one million people only one graduate lives outside the head-quarters town, and in this area there is not a single power machine used for any purpose whatever. The zemindars are all men of the old style at feud with, and constantly intriguing against, their neighbours; realizing from their estates what they can by raising rents and letting out fallow lands, but spending nothing on their improvement; knowing nothing of and caring nothing for the industrial or even the agricultural development of the country, and wholly uninterested in the welfare of their tenantry. As there is no public opinion there is no restraint on their morals, and it has been a frequent disappointment to find men of good reputation when entrusted with the control of co-operative societies making use of them for their own advantage. They regard election to the District Board as bringing them honour among their fellows, but are with few exceptions incapable of giving reasoned opinions in matters of policy and are only interested in purely local matters or in those into which personal or sectarian considerations enter. For example, the first thing a European planter does when he acquires an estate is to improve its communications, and the remains of roads made by indigo planters of old at their own charges are still to be found in the district. But the Indian zemindar never thinks of anything of the kind, and though it is known to be the policy of the District Board to improve communications, and in pursuance of this policy some 150 miles of new roads have been laid out during the last three years, no suggestions have been received from the public regarding the alinement of these roads or the laying out of others. Similarly a place where there are several factories, to which large stocks of fuel and raw material have to be conveyed, is served by a really vile road which there has been no organized effort to get improved.

6. In my opinion zemindars are not qualified to form the foundation on which an edifice of representative government should be raised; and this remark applies of course with added force to the less important classes of the rural community. And it also applies in the main to the shopkeepers, traders, and artisans of the towns.

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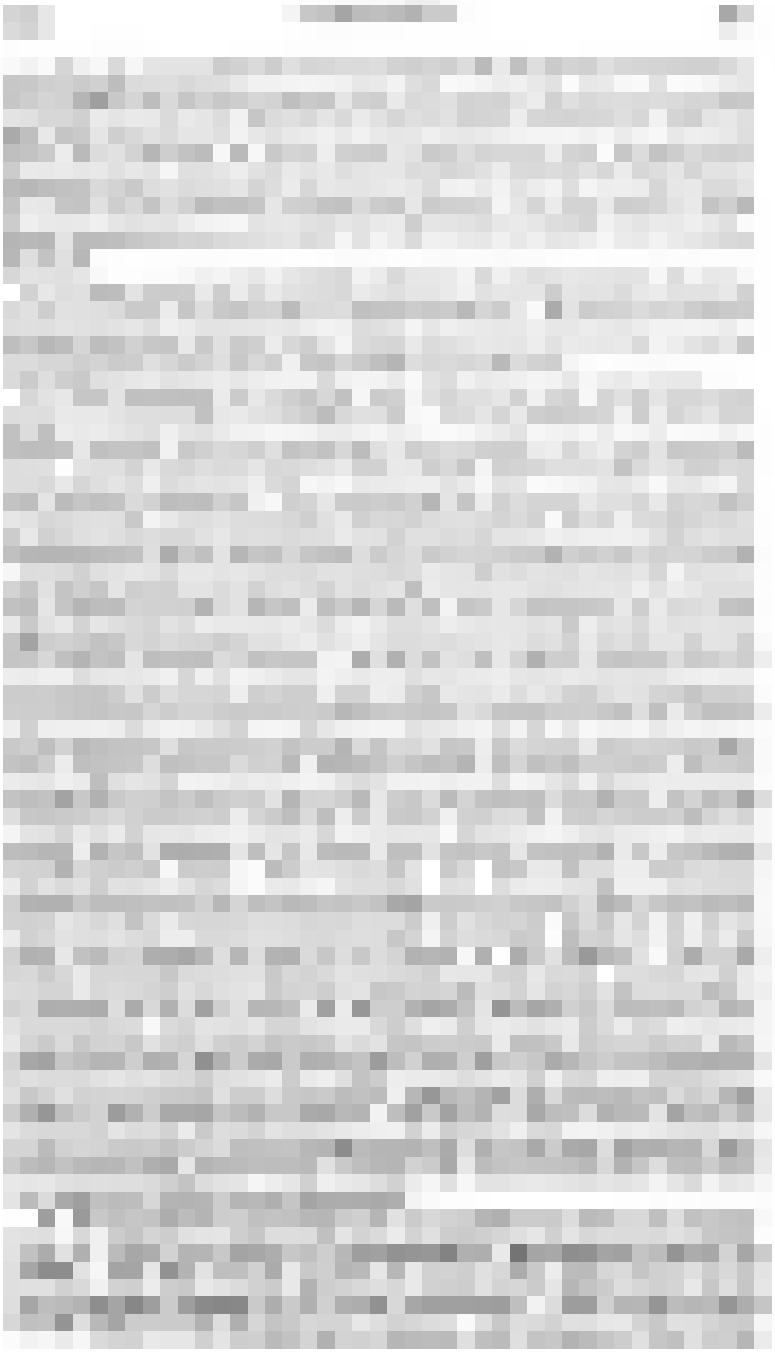

Until education and public spirit are much further advanced, there is no public opinion save that which is manufactured by the professional politicians to suit their own ends, and there can be no true representation. With an apathetic and uneducated electorate it is always the most advanced politician who becomes elected, for it is he who is the keenest and takes the most trouble to get votes. And this is especially the case with communal representation, which has unfortunately been introduced into this country. The man who is elected as the Mohammedan representative is he who maintains most loudly that he has in the past fought for the rights of Mohammedans against Hindus and against Government, and protests most strongly that he will do so in future. The Muslim League is at present disapproved of by the vast majority of Mohammedans of good status, but it continues to masquerade as representing the Mohammedans of India because the latter have not sufficient moral courage to get up and denounce it.

7. So much for the electorate. As for the members of the assembly there are no men of leisure and culture available except a few retired officers. In the assembly there would be very few country gentlemen and men of business, 'two classes of humanity who are constantly in touch with and drawing strength from our mother earth of hard fact' (*Ordeal by Battle*) all would be left to the lawyer, the journalist, and the professional politician.

8. For the above reasons I consider that this province at least is not fit for representative Government at present, and when we come to responsible Government and the paraphernalia of party government the venue seems still more unsuited. Elections are fought on personal rather than on political grounds at present, and this will continue to be the case so long as only one class of the community is represented, as I have shown will be the case in your provincial Parliament.

9. Turning now to details of the scheme, I see the following objections to the attempt to administer the departments scheduled in class 1 by a system of responsible Government:

(1) These are highly technical departments which provide at present little scope for criticism, and would provide little scope for original thought and work to the minister put in charge of them. The departments that come in for most criticism are: Education, which is in the third class, and Excise; Assessment and collection of Land Revenue, Civil and Criminal Justice and Police, all of which come under the fourth class to be handed over only when autonomy is complete; also Finance, the allocation of expenditure to different heads of the Budget, which is perhaps as important as any. The making over of the minor scientific departments of Government would be regarded in my opinion as a mockery and would arouse little enthusiasm even as a means to an end, and if it were actually done would be of little value as an index to the success of a real experiment in responsible Government. Has any ministry in any

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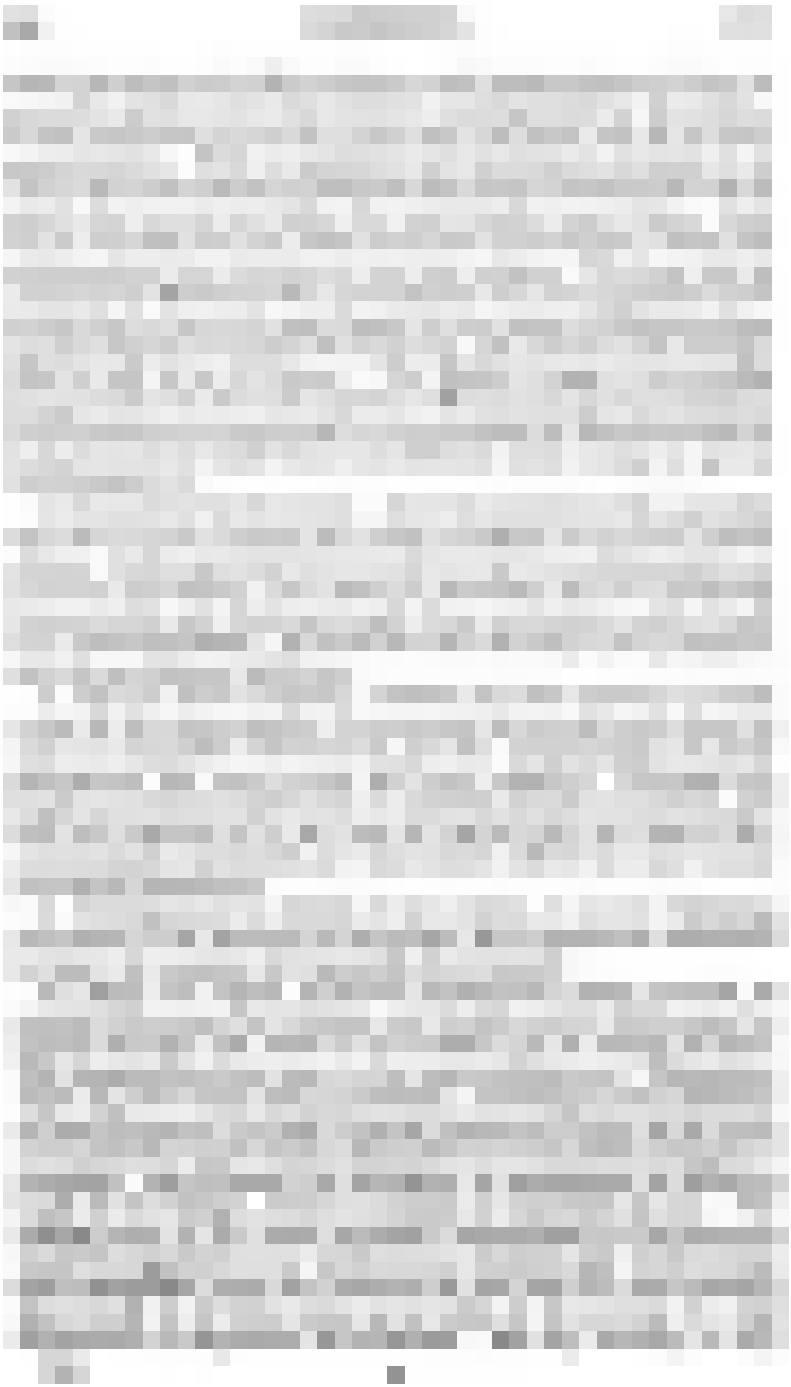

country ever gone out of office on a non-essential question such as agriculture or public works?

(2) Dyarchy as explained in the letter presents no difficulties so long as the two governments concerned are controlled by the same class of men. We have it already not only in the Imperial Departments, Post Office, Salt, &c., working side by side with Provincial Departments such as Excise and Agriculture, but also in Provincial Departments such as Irrigation and Prisons working side by side with Land Revenue or Criminal Justice which are controlled by the District Officer. It is not correct to say (as in your para. 18) that the Commissioner and Collector supervise and report on forests and irrigation and so represent the Government of India in the Provinces. They are, it is true, generally consulted as regards forest and irrigation questions in the same way as they are consulted in nearly all cases of proposed legislation, and the reason is that they are in closer touch with the people than other officials and have through their subordinates and non-official friends better means of ascertaining public opinion. It is true that they control the police in the same way as the chief constable of a county does in England, and primary education in the same way as the county council does at home; but this only means that they combine in their own person several local offices which might under another system be filled by several officers. The present system works with little friction. If, however, as under the proposed scheme, the policy of certain departments is controlled by men who look on a subject such as education from a purely political point of view, or a subject such as indentured emigration or assessment of land revenue or the coinage of a special gold coin for India [1] from a purely sentimental point of view, there is bound to be constant friction with officials taught to look on public questions from a practical and economic standpoint. I look to the gradually increasing number of Indian officials in high places imbued with British standards and methods of work to gradually leaven non-official opinion in these matters, and I think we must wait for any scheme of this sort till the number of Indian high officials is largely increased.

(3) I do not understand how under the proposed scheme the responsibility for raising funds by taxation can be shared between the Finance minister who controls the grants to scientific departments and the Government Financial Secretary who controls all receipts and the expenditure on the main departments of Government. The real responsibility must rest on the latter, and this negatives the adoption of the principle, on which you lay stress, that a really responsible Government can afford to impose taxes which a despotic Government cannot. Besides, there is no indication that a national Government in India would find new sources of

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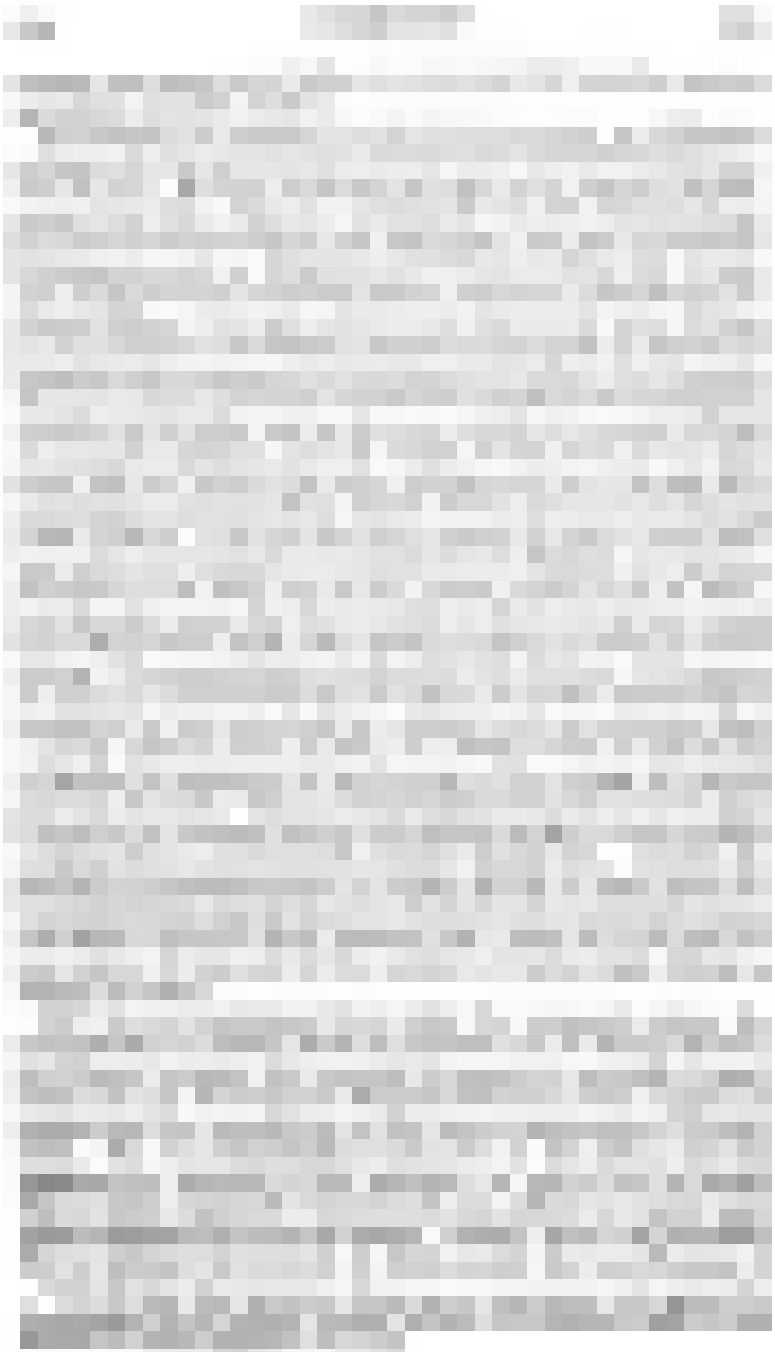

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10. This criticism has so far been wholly destructive and I will now shortly indicate the paths by which I think we ought to travel towards the objective to which I agree—the government of India by the Indians.

11. In the first place I consider it essential to any real advance as stated in (2) above that a far larger proportion of high places in the government be held by Indians. I hold that the recommendations of the Public Services Commission are quite inadequate in this respect. In particular the claims of the Provincial Executive service to a fair proportion of Collectorships should be allowed and the Police service should not be kept as a close preserve for Europeans. Also the present system of nomination for Deputy Collectorships and similar posts should be either abolished in favour of competition or very largely modified.

12. Secondly I consider that the laudable desire of nationalist politicians and others to take their share in the administration of the country can be met to a very considerable extent by the extension of the number of departmental Boards and the enlargement of their functions. We already have a Board of Industries and a Sanitary Board which have considerable executive powers. There is also a sub-committee on the Budget and a Board of Education having very small powers which are capable of expansion. Boards of Agriculture and Excise should certainly be formed and the system should be gradually extended to other departments of Government. The members of such Boards might be partly elected by the legislative council from among themselves and partly nominated by the Government from officials and non-officials outside the council. Their functions would at first be mainly advisory, but as time goes on and experience is gained they might be given larger and larger executive powers. They would in my opinion form the most effective agency for bridging over the long interval which must elapse till the wider extension of education provides a more representative electorate, and the Indianization of the higher grades of the public service provides suitable machinery for administering government by the Indians themselves.

13. Your last para. Personally I see no objection to the affairs of India being controlled by an Imperial Parliament on which India and the Dominions are represented, provided the objections so strongly voiced by Indian nationalists can be overcome. On the other hand the proposed development is not only theoretically preferable to the present system but should in practice prove most beneficial to India.

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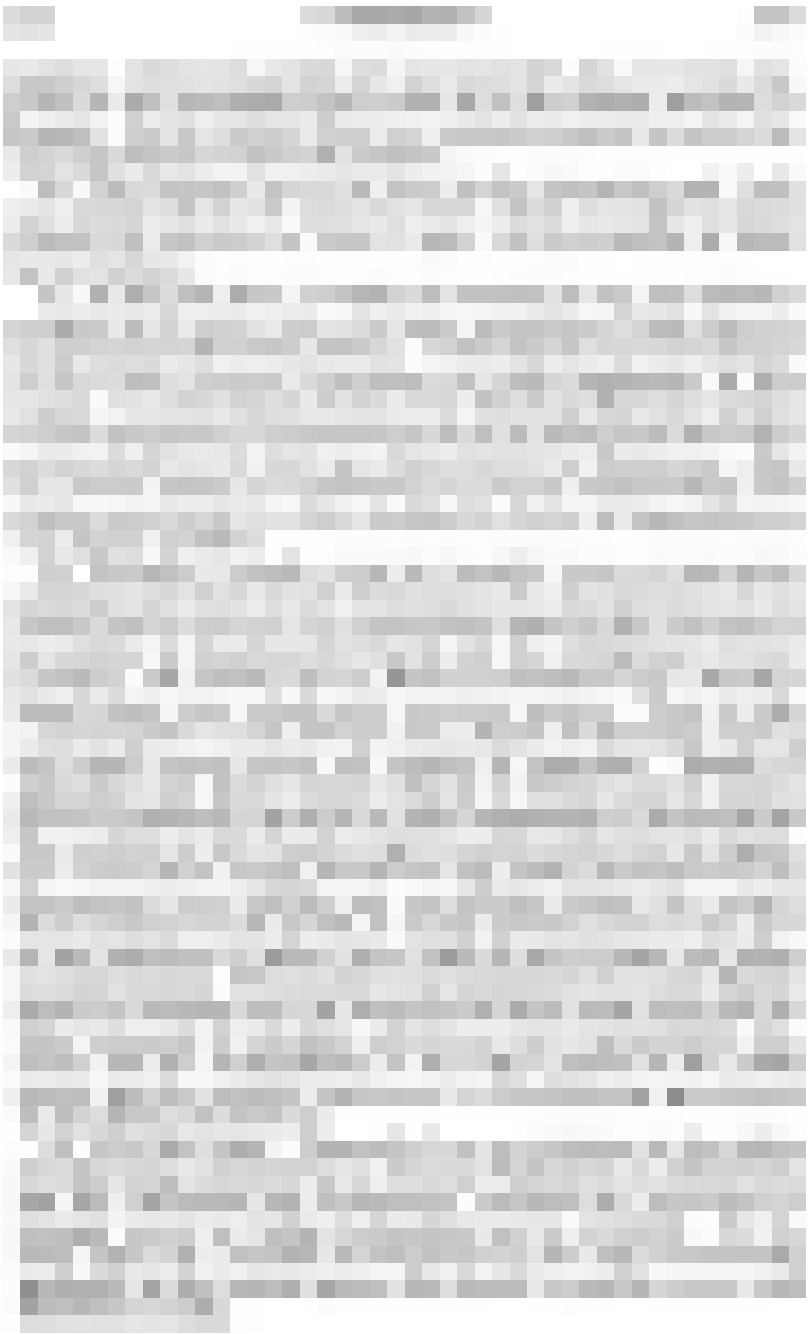

No. 14

Your letter is the first serious attempt I have seen to suggest a means by which the elective principle can be introduced without revolutionizing the entire system of Government. For this reason I am much more disposed to admire than to criticize—the more so as I have myself sought in vain for a solution. I entirely agree in your thesis that we must commence with the Provincial Governments and not with the Government of India. I can only attempt to indicate one or two points that seem to me most open to objection.

The first is the exclusion of the official vote (pp. 7 and 8). If this is confined to meetings devoted exclusively to discussion of the transferred heads, I have no quarrel with it. In that case I would exclude officials from speaking also. They would be consulted in other ways. But if you propose to exclude them altogether I see two very serious objections, one affecting the officials themselves and the other the effect on legislation.

(1) In a legislative assembly the position of an officer who can speak but not vote—unless indeed he is an officer of outstanding rank and authority and intervenes only on special occasions—is an unpleasant and undignified one. He will be regarded as an intruder and his words will be listened to with impatience. The position is one which has been avoided in the British constitution and usually in the Dominions also.

(2) Their exclusion would deprive the Provincial Government of all power of legislating on reserved topics. It could not be certain of carrying any Government measure whatever.

I quite agree that the spectacle of official members invariably voting together and on one side like a machine, and the bulk of the non-official members invariably voting together on the other is unedifying, and tends to promote racial distinctions and to emphasize the attitude of opposition which is natural to the non-official members. The remedy, it seems to me, is to restore to the official members the right they once enjoyed of voting according to their convictions except on questions which the Government regards as vital. As recently as 1911 an official member voted against the Government on an important detail of a Government measure.

Whether we are yet ready for the trial of your scheme throughout India is a point upon which I am perhaps too near the fray to pronounce. You would hardly, for instance, advocate introducing it into the Frontier Province. Some forward step seems to have been virtually promised after the war, and the only alternative to your scheme that I can think of for these provinces is an executive council with an Indian non-official member (probably the council would consist of two members). The suggestion of making the Indian membership elective naturally occurs to one, but I fear the difficulties in the way of having an elected member of an official Government would be insuperable. He would be trying to serve two masters, and naturally his allegiance would be to the electors rather than to his colleagues.

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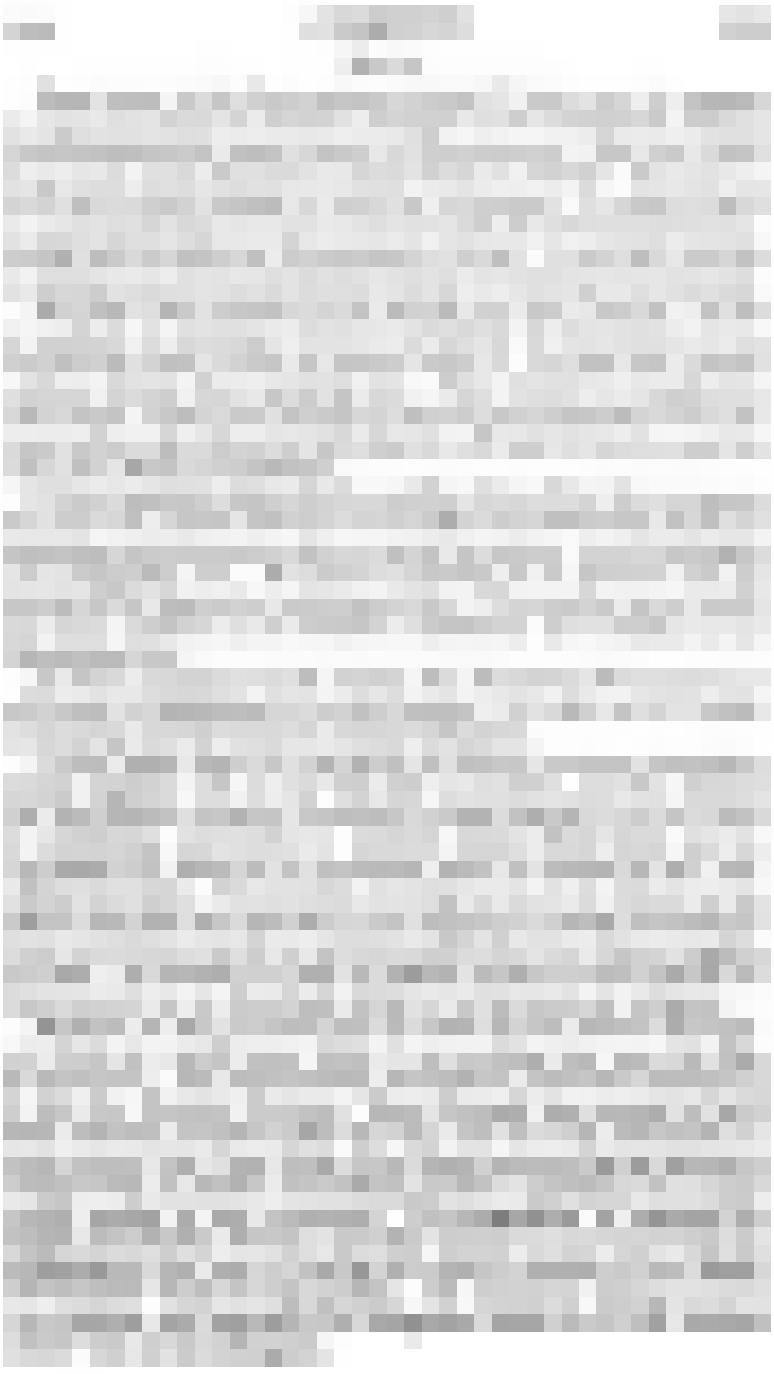


No. 15

I have read your memorandum, dated April 6, with much interest. As I think you know, there is a great deal in your views with which I am in agreement. The impossibility of making any real progress on existing lines is apparent, and the necessity of continuing the effort to make progress is equally clear. As far as I am in a position to judge, the line which you contemplate of separation of the functions of Government into certain groups is the only practicable solution of the difficulty. To hand over the whole machine to a responsible Government, as the fanatics of Home Rule desire, would result in a catastrophe. A mere increase in the strength of the elective element without the grant of any corresponding increase in real power would satisfy no one, and the only alternative to complete immobility seems to be to separate those functions which might be made over to a responsible Government from those which must still be retained in the hands of the Central Power. For the present, in this province the most obvious direction in which responsibility to popular control could be conceded is in the direction of those branches of Government which have already been transferred to local bodies but in regard to which far too much centralized control has hitherto been maintained. Some movement is already being made in this direction, and it would hardly be suitable for me to go into detailed discussion of the possible extensions of the principle. I can only say that I am generally in favour of the idea underlying your proposals. As to the exact date at which such a change could be introduced it is unnecessary to speculate.

No. 16

I have read these papers very hurriedly and will only jot down a few rough notes on the suggested system of dyarchy for Provincial Government.

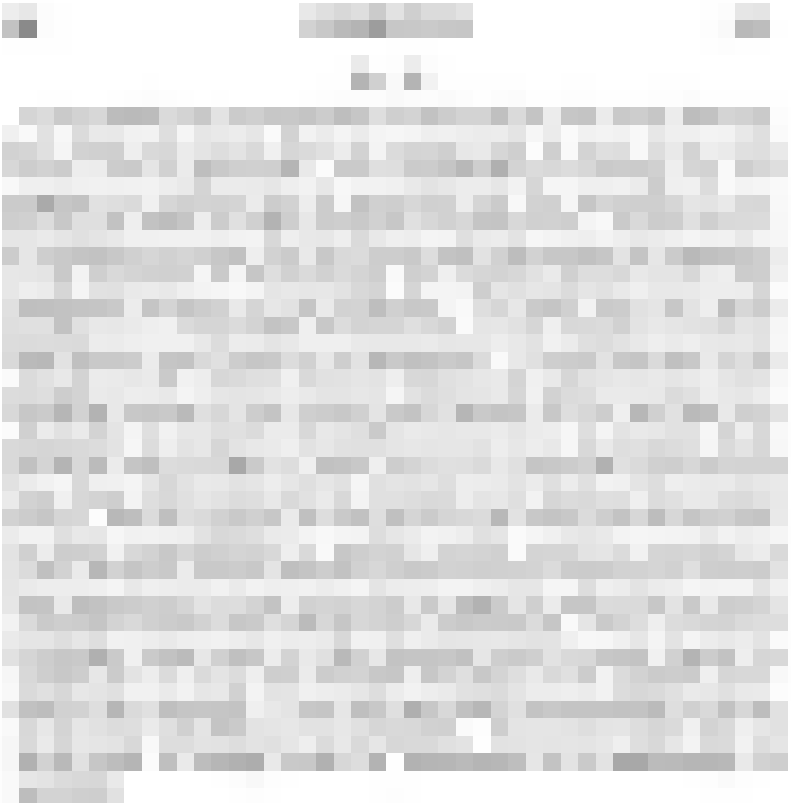
I think it is quite unsuitable to Indian conditions, because

(*a*) It conflicts with all Indian traditions and ideas of Government —as centred in a single body or individual—and would be unintelligible to the Indian mind.

(*b*) It also conflicts with the axiomatic principle that the advance towards Self-government in India must be in accordance with India's special circumstances and traditions.

(*c*) It seems to me to be a rash and dangerous experiment which would subordinate the end for which Government exists to the theory of a possible means for altering the form of that Government.

(*d*) I do not think it would conciliate Indian Political opinion, which does not demand an alteration in the form of Government which is accepted and understood by all classes; but does demand that Indians should have more voice in determining the policy of Government, and be more closely associated with the system by which that policy is given effect to.



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(*e*) The selection of the Head of the Ministry that would control the transferred branches of administration and of his colleagues would be a task of enormous difficulty, and would lead to faction and intrigue and jealousy in existing conditions. Those departments would suffer from lack of public confidence and of the prestige attaching to the reserved departments which have stable Government behind them.

(*f*) The possibilities of friction between the Heads and the personnel of the two sets of Departments would be enormous, and would tend to hamper and discredit the administration generally.

(*g*) The experiment of testing Indian fitness for Self-government can be and is being tried with less risk and without most of the drawbacks referred to above in other fields, e. g. local self-Government where it is already amenable to and in the long run controlled by public opinion. Better develop on those lines than risk serious failure by venturing on unknown fields.

(*h*) Only those in close contact with the various classes and masses who know little and care less about Constitutional reforms can realize the enormous volume of opinion that looks with suspicion on the changes advocated by the supporters of Self-government and Home Rule.

No. 17

I did not intend to write any criticisms on Studies I and II, because we had already discussed together the principles. But I feel that I must try to give something in return for your letter.

2. I have scribbled in Study I some remarks on portions which seem to me susceptible of improvement. I dare say that some of your other correspondents have done this much better than I can. I felt some difficulty in dealing with the latter portion, which is a description of the provincial system of administration of the United Provinces. Any general description is bound to contain mis-statements when applied to a particular province, and any description of the system of a particular province is bound to be misleading when applied to India as a whole. I suggest that a better solution of this difficulty of painting a picture of the Indian system of administration as a whole would be to take a particular provincial system as you have done but also to add explanations where that particular system departs considerably from the systems in force in other provinces. To give an instance from a subject with which you are primarily concerned, the description of the district board branch of local self-government in the United Provinces gives a wholly incorrect impression of the system in force in more advanced provinces, certainly of the Central Provinces where there is a regular electorate, a non-official chairman, and considerable freedom from the influence of the Collector.

3. As regards Study II, I am so wholly out of sympathy with the line of advance there outlined that I do not feel able usefully

(*e*) The selection of the Head of the Ministry that would control the transferred branches of administration and of his colleagues would be a task of enormous difficulty, and would lead to faction and intrigue and jealousy in existing conditions. Those departments would suffer from lack of public confidence and of the prestige attaching to the reserved departments which have stable Government behind them.

(*f*) The possibilities of friction between the Heads and the personnel of the two sets of Departments would be enormous, and would tend to hamper and discredit the administration generally.

(*g*) The experiment of testing Indian fitness for Self-government can be and is being tried with less risk and without most of the drawbacks referred to above in other fields, e. g. local self-Government where it is already amenable to and in the long run controlled by public opinion. Better develop on those lines than risk serious failure by venturing on unknown fields.

(*h*) Only those in close contact with the various classes and masses who know little and care less about Constitutional reforms can realize the enormous volume of opinion that looks with suspicion on the changes advocated by the supporters of Self-government and Home Rule.

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to make detailed criticisms, but I give for what they are worth the following comments on the main principles. The position has changed materially since you wrote. The decision of the Imperial War Cabinet has settled at least for several years the proposal for an Imperial Parliament and India's representation thereon; and similarly Montagu's announcement has defined the goal of Indian policy. I therefore turn to your scheme for transferring to popular control certain selected functions of government in selected provinces.

4. You recognize that this involves two separate governments in the same area, but do not consider this to be an important objection. You appeal to the dual system in force in some of our colonies and in other countries, but this analogy seems to me false. In these cases the two governments are based on the same principle, so that there is no surrender of main principle in a provincial government being overruled by a national government. In India it involves a popular government being subject to our bureaucratic government, which would in my opinion be bound to fail. There is a further distinction. Whilst control by a central government over a provincial government is reasonable, particularly if both are based on the same fundamental principle, your proposal involves two independent governments for the same province, exercising authority side by side in the same area. Is there any parallel for such a system? I cannot believe that it would work in India. Conflict is certain to occur in the two functions assigned to the Legislative Council (paragraph 33). Take the instance of Mrs. Besant's internment or even a stronger case in which the bureaucratic government comes into direct conflict with the popular government over a question of policy within the sphere of the former; the popular government would resign or adopt passive resistance, thus bringing the framework of government to a deadlock. It offends against the constitutional maxim that the King's government must be carried on.

5. Whilst fully admitting the principle of separate local taxation for local affairs, I cannot contemplate two independent governments in the same province both with general powers of taxation. Surely general taxation is an indivisible function of government which must be exercised by one authority with due regard to the taxable capacity of the tax-payer. Take a practical illustration from your transferred function of Public Works. The popular government wishes to provide increased funds for communications, and the obvious method is to raise the Road Cess; but this cannot be done without encroaching on future land revenue, for the total taxation on the land must be regulated by the total payments on account of land revenue plus cesses. A similar objection applies to an increase of income tax, or to a light tax on rail-borne traffic which would prejudice imperial railway receipts. My practical experience has confronted me with this difficulty in attempting to find a solution for the inadequate funds of local bodies even under the present

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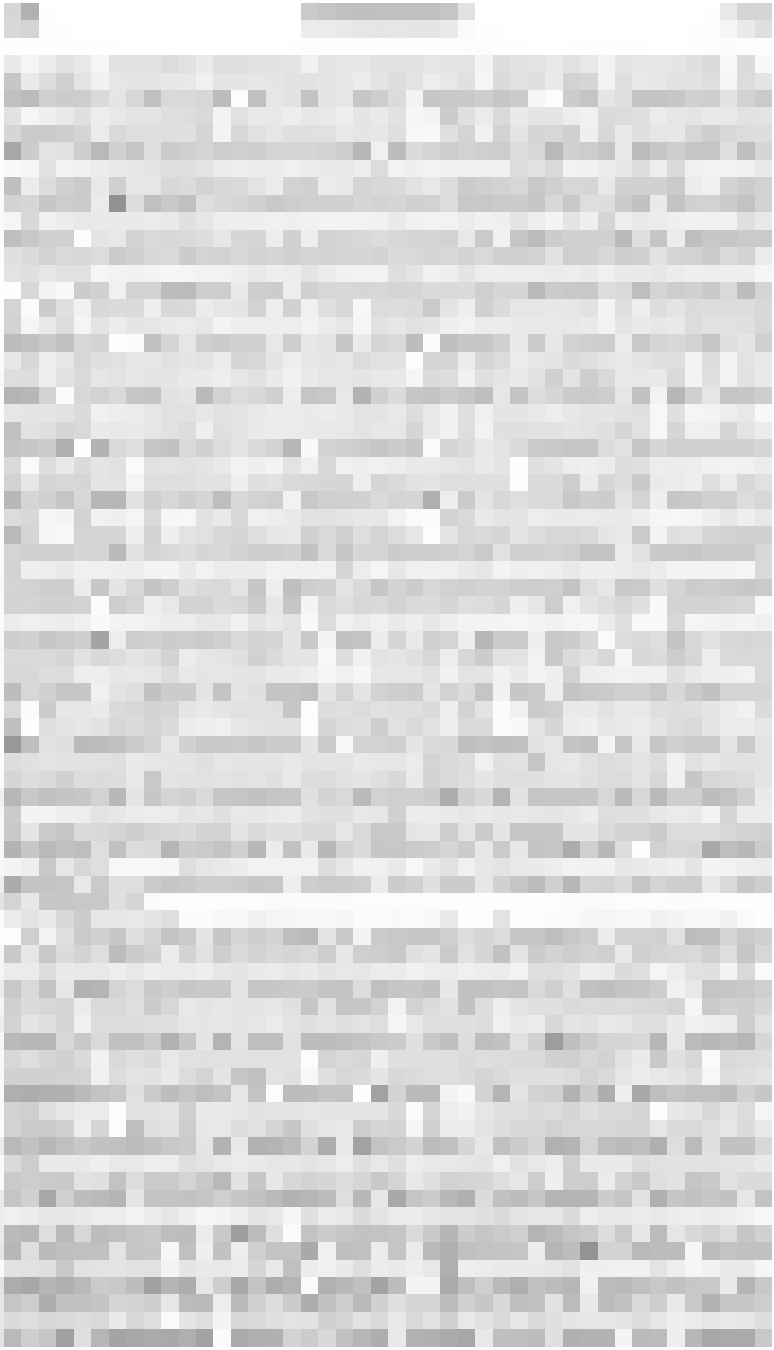

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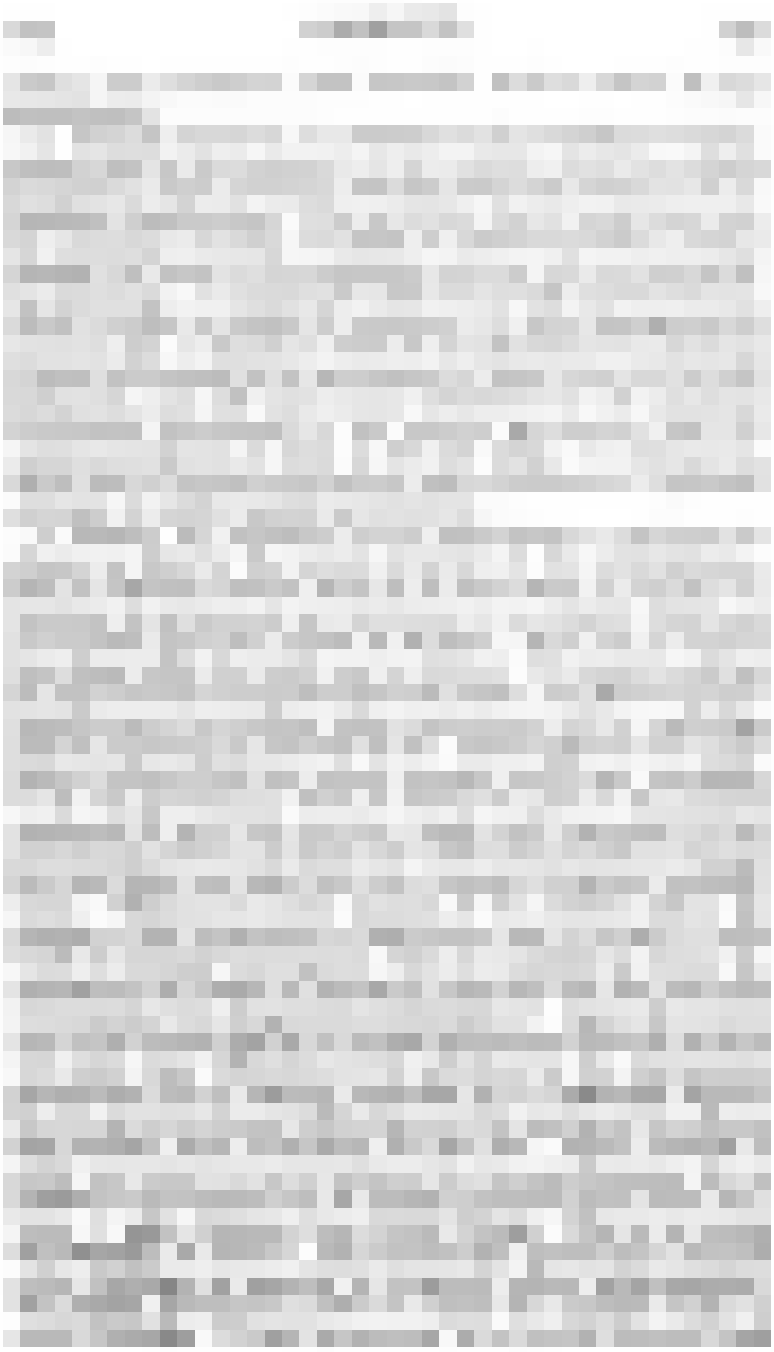
6. Dyarchy seems to me contrary to the teachings of Indian history and to the sentiment of the country, which has always demanded a single governing authority with full powers in all the functions of government. I do not believe that it would have even the advantage of being acceptable to advanced Indian political thought, but would be an unpalatable solution with no corresponding advantage. I cannot agree that it is a safe experiment from which it would be possible to withdraw if it failed (paragraphs 34 and 44 to 53). I shudder to think of an indictment of a provincial popular government by the government of India before an Imperial Parliament, and still more of an indictment by the provincial bureaucratic government of the popular government with the central government of India as the sole judge. It destroys the whole basis of popular government, which postulates a responsible electorate to control popular government.

7. Finally, my experience as an administrator condemns the scheme as alien to the present structure of the administration. Due to historical reasons which it is unnecessary to specify, the functions of government are interwoven in a complete fabric and not separate garments capable of division. There are no vertical lines along which the fabric can be divided. The district staff are the main threads running throughout the whole. No official can satisfactorily serve two masters whose instructions will be conflicting, without neglecting the interests of one. There might be some possibility of success with two entirely separate staffs each responsible to its own government, which is surely the case in the parallels mentioned by you; but none for a single staff responsible to two governments, which must be the case until Indian sentiment changes and until India can afford the more expensive duplicate establishments. Without the active support of the district officer, the progress of the departments of agriculture and co-operative credit would be seriously handicapped. How is it possible to divorce the management of forests, so intimately connected with the well-being of the people, from the general administration? Again, the recruitment of the central staff of the popular government from the services will cause many difficulties in the selection by the bureaucratic government from a reservoir controlled by it, difficulties between the two governments and difficulties over the posting of the officers, their transfer, their promotions, and the like. Again, conflicts of policy are bound to occur between the two governments, for no function of government can be entirely separated from other functions. I again illustrate from Public Works. Who is to decide the allocation of funds? The bureaucratic government demands police buildings as essential to improved police administration; the popular government prefers to spend the available funds on school buildings. If each government is to provide its own funds



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8. Such is my criticism of the principles of your proposal for devolution. Its value you will be able to judge, but you may also fairly complain that it is wholly destructive and that a better solution must be found before your proposal is thrown out. I should like to see a scheme of reforms which included proposals for delegating increased powers to provincial legislative councils and possibly to the Imperial legislative councils. I feel that it should not be beyond the wit of constitutional experts to frame a scheme of advance along the road of horizontal lines of increasing popular control over all the functions of government instead of vertical lines separating particular functions, and without reaching a chasm that must be crossed at one bound. In all this process of constitution-making for India, I have felt all along that it is being undertaken in India, equally by officials and Indian politicians who are amateurs at their trade. It should be the work of experts with a deep knowledge of constitutional history and practical experience of the working of constitutions, who know the lines of advance followed in other countries, how they work in practice and what pitfalls should be avoided. The part of the Indian official and politician seems to me more properly to weigh schemes framed by such experts and to judge what alterations are required to adapt them to Indian conditions. It is from this standpoint that I have endeavoured to examine your proposal as an official with some experience of Indian methods of administration but with no knowledge of constitutions. That experience induces me to regard more favourably advance on the lines advocated by Stanley Reed in the *Times of India* by decentralization all along the line, with more popular control at each stage, to local self-government bodies to a large degree, to provincial governments to a substantial degree, and to the Government of India by the Secretary of State and Parliament to a lesser degree. This connotes much devolution of financial responsibility. Cannot experts work out for India a scheme on these lines, which should be subjected to the criticisms of those with a knowledge of Indian conditions?

9. Another important point occurs to me. Have you considered the possibility of a Second Chamber in the Indian constitution; probably at first with the Imperial Legislative Council only, but possibly with an extension later on to provincial councils? It has certain obvious advantages—the representation of the aristocracy, great landlords' interests, the important commercial interests, which I am convinced will not under present conditions obtain adequate representation even under an extended direct electorate system as

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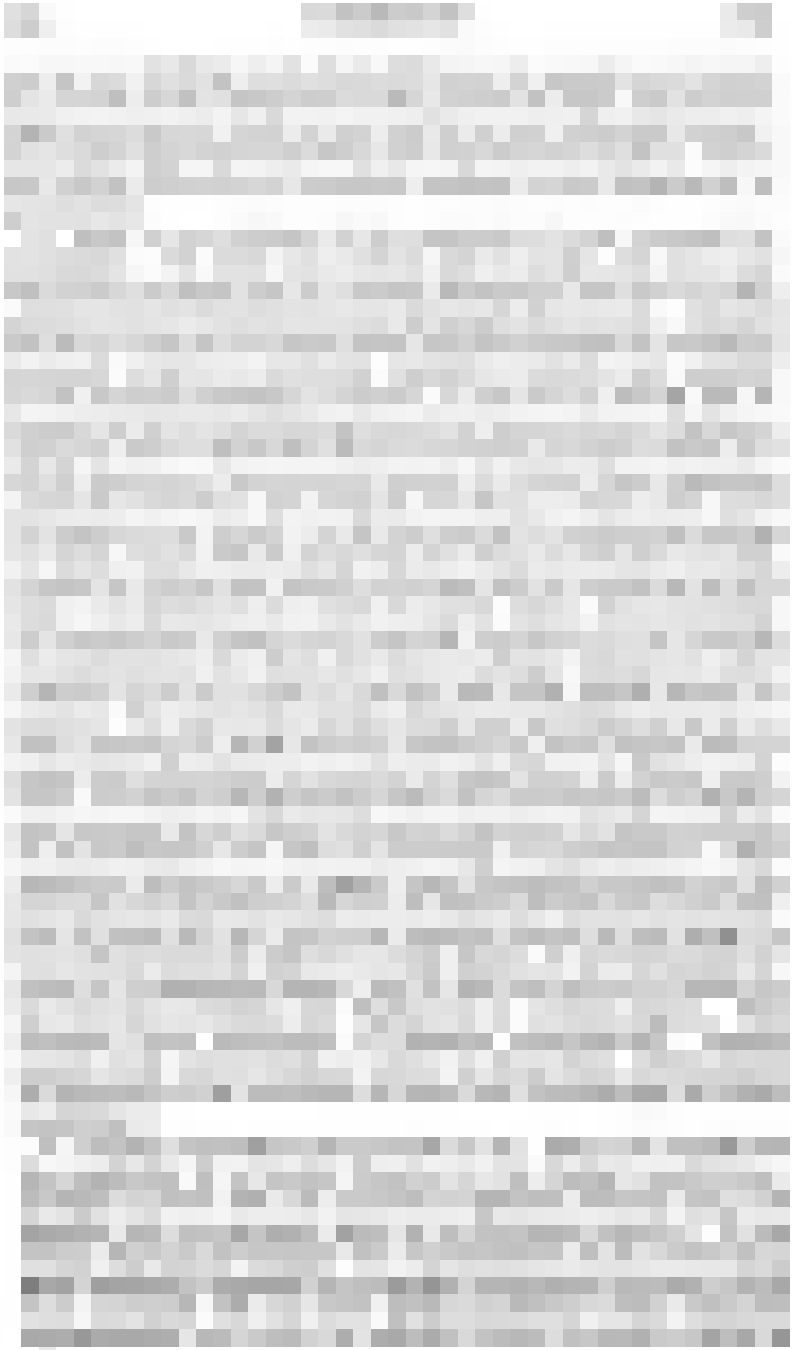

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10. One more suggestion and I have finished. A scheme has been framed by the famous 'nineteen'. Could you not subject this scheme to the critical examination of your expert knowledge of constitutions, and submit the result to the tests of your Round Table method in India? I believe that valuable results would accrue if this could be done in time for Montagu's deliberations in India.

11. So much for the efforts of an amateur, who is deeply interested in the problem the right solution of which means everything to the future of India and towards which end you are devoting your energies.

No. 18

My comments are based on experience drawn from Southern India. How far they may be applicable to other provinces I will not venture to say. In India generalizations are always dangerous. Time does not permit me to arrange my ideas systematically or to work them out to their logical conclusions. I have, therefore, had to content myself with noting down a few criticisms which have occurred to me on a perusal of the letter to Mr. Bhupendra Nath Basu. They are arranged according to the paragraphing of that letter.

2. *Paragraph* 17.—Somewhat over-states the case with regard to the interference of the Central Government in matters provincial. It is true that a Local Government has recurring occasion to complain of such interference; but in practice Local Governments do enjoy a large measure of independence, and intervention from above in matters of detail is rare except in the case of financial codes, the vigour of which is, however, being gradually relaxed.

3. *Paragraph* 18.—Exaggerates the administrative functions of the I.C.S. so far as the Madras Presidency is concerned. The place of Commissioners is taken by a Board of Revenue with a portfolio distribution, each member having territorial jurisdiction over the whole province with regard to subjects falling within his portfolio; the Board has no concern with local boards or municipal councils, sanitation, education, registration, or civil justice, and but little concern with the magistracy. The Collector and District Magistrate can hardly be said to 'supervise and report upon the schools, the police, the forests, the irrigation department, the Public Works Department, and so on'. It is true that he comes in close contact with those departments of the administration; but the tendency is to divorce him from supervisory functions, and he occupies

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no position in the official hierarchy of the departments of education, police, forests, irrigation, public works, registration, and civil justice, except in so far as he may in the capacity of a local board president be connected with local board schools, as district magistrate exercise specified powers over the police of his district, or as collector possess a measure of control, defined by the Forest Code, over the District Forest Officer. His functions are primarily revenue and magisterial; as an agency of local self-government he is being gradually replaced by unofficial local board presidents. The continuance of the I.C.S. in Southern India would therefore not be necessarily inconsistent with a system based on 'vertical lines dividing the functions of provincial departments from each other'. And I take it that any such system must provide for direct touch between the subordinate officers of different departments, otherwise the administration would inevitably be gravely hampered.

4. *Paragraphs 24 to 27.*—I am quite ready to abolish the official vote in local legislative councils, having had many years' personal experience of the practical inconvenience of the present arrangement. It should not be forgotten, however, that even now the statutory rules on the subject require that every resolution shall be 'in the form of a specific recommendation addressed to the Local Government', which is thus in a position to accept or reject such recommendations and need not be seriously exercised by the prospect of a particular resolution being carried against its wishes. As a matter of fact this sane view of the position has not prevented anxiety about being outvoted, which I have always thought matter for regret, especially when the anxiety was allowed to become apparent. It is always open to a Government at the next meeting of its Legislative Council to make a brief and dignified announcement of the reasons which render it impossible to accept a recommendation embodied in a resolution carried in council.

5. *Paragraphs 29 to 31.*—At the present stage of educational development in Southern India I have grave doubts as to the feasibility of any general list of primary voters and the system of direct popular election. The risk of Brahman preponderance has always to be reckoned with, unless the educational qualification be lowered to a level which admits voters who certainly could not reasonably be considered 'qualified to form a judgement and record an opinion on Provincial affairs'. To secure the adequate representation of different interests special constituencies, e.g. Mohammadans, zemindars, will, I should say, be necessary for a long time to come. But I would raise no objection to one constituency, or one constituency for each district or group of districts, being composed of primary voters drawn from a much wider sphere than (as at present) the personnel of municipal councils and local boards. The larger the constituency the less the opening for personal canvassing and corrupt practices, accessories to the elective system which now do a great deal to keep away really representative candidates and

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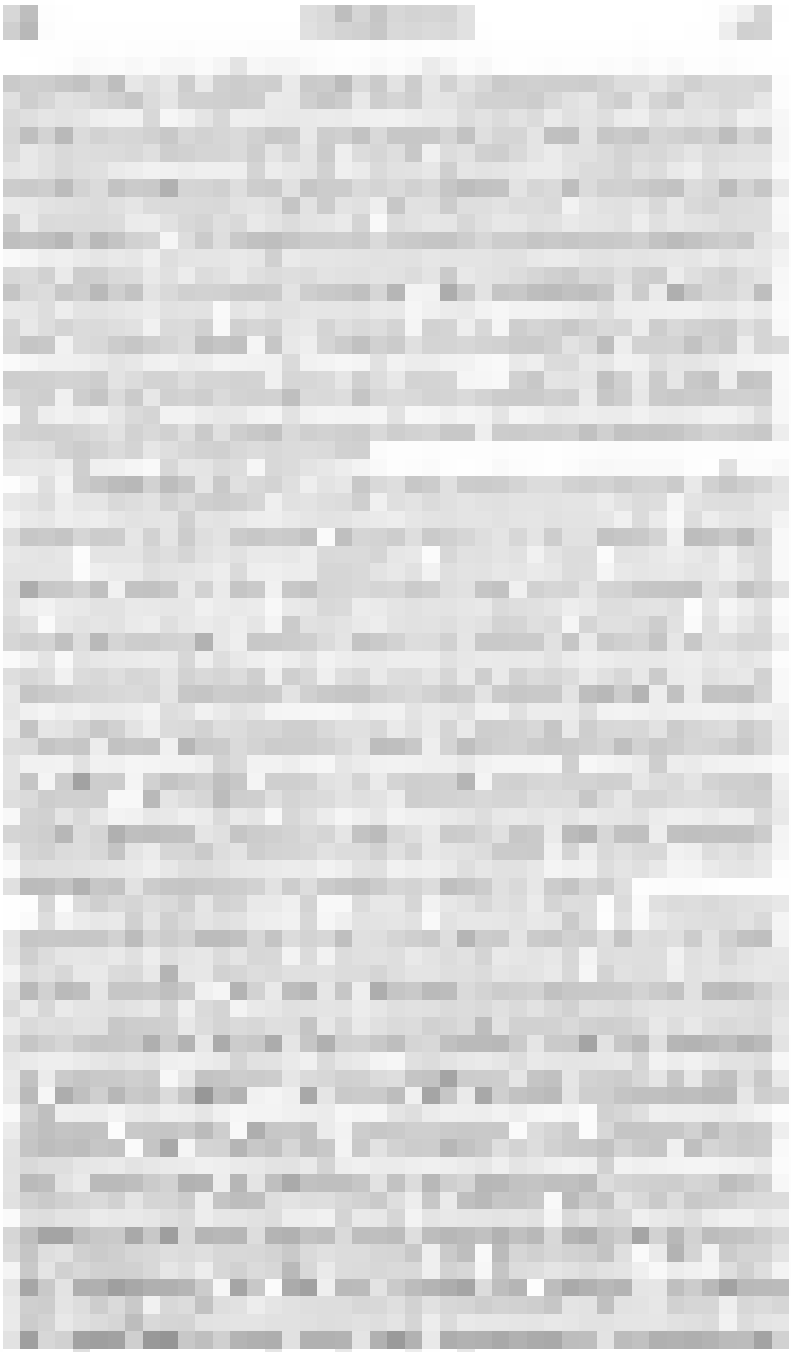
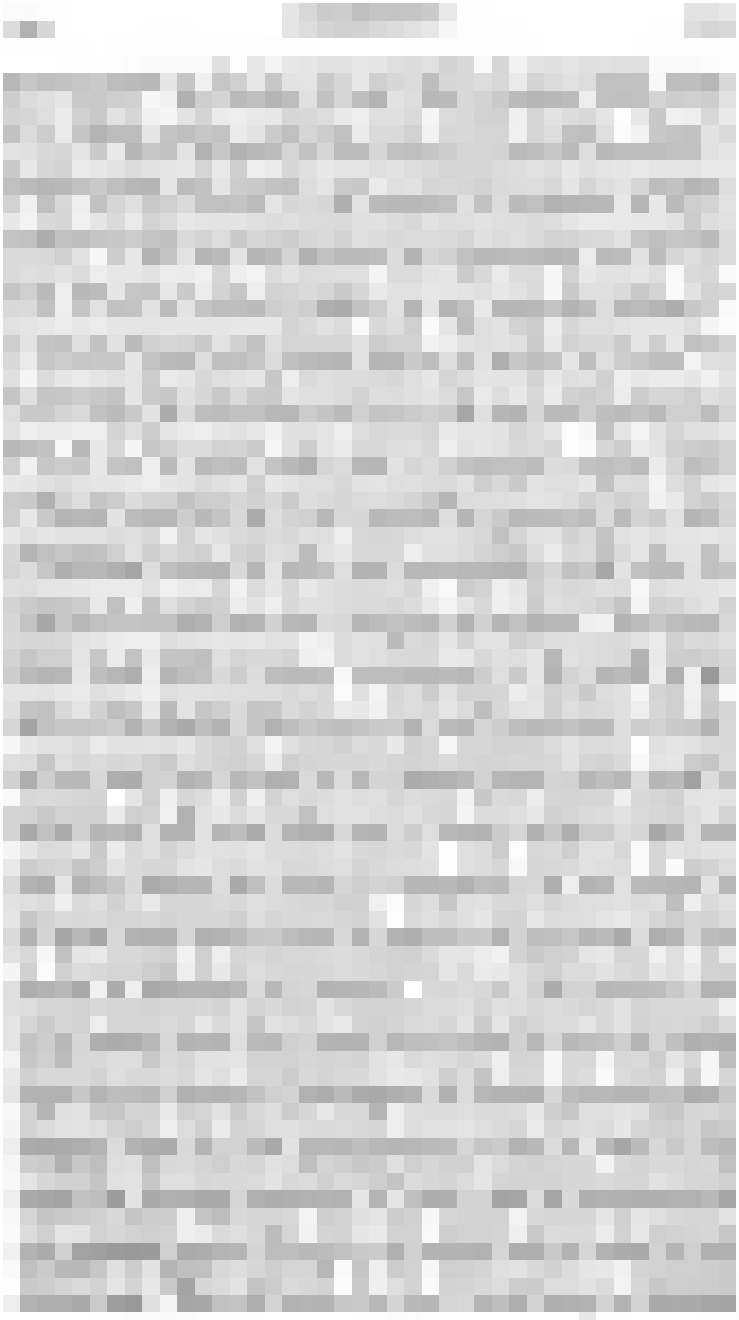


account partly for the fact that nomination is more highly valued than election. The framing of such a list of primary voters would be a difficult matter, requiring much careful thought. There is a mass of official literature on the subject of electoral franchises in Southern India, and (though I may be mistaken here) my impression is that the last venture, i.e. the creation of electorates to choose members of taluk (or sub-district) boards, has not been an unqualified success; in that case the franchise was intentionally put at a low level, but even so the electorates were often far too small. The truth is that the number qualified—on any reasonable standard—to vote is, and must long remain, small. But little interest is taken in elections unless some personal dispute or faction is in issue. It is often said that this lack of interest is due to the small amount of power vesting in local bodies, and one is told that real interest would grow up if more power were conferred on them. The criticism is more true of local boards than of municipal councils, which already have considerable powers to manage their own affairs. There is, I think, some force in it, and I should like personally to try some experiment like the following in order to ascertain whether as a fact a substantial increase in power *and responsibility* would evoke real interest on the part of the electorate. The experiment must be confined to a limited area and to local self-government. The revenue district is too large an area; the affairs of a self-governing district board would tend to become concentrated in the hands of the lawyer clique at head-quarters. I would begin, therefore, with the taluk (or sub-district) board, which has local jurisdiction, as a rule, over two revenue taluks—sometimes less, sometimes more. I would free this body from control by the District Board, which would be abolished, and give it charge of all local fund matters within its limits except only trunk roads (and of course railways, if any rest nominally under local board control); such roads are of more than local interest and should be maintained, for the present at least, by the provincial authorities. At the same time I would give the taluk board limited powers of taxation and encourage their use by the promise of provincial subsidies in a definite ratio to the amount of additional tax collected. It is in this direction that I should watch for the growth of interest on the part of the electorate. If, for instance, there were a strong local feeling in favour of opening additional schools or dispensaries, of laying out new roads or of improving the standard of maintenance of existing communications, and it became clear that this could not be done without additional taxation, fitness for local self-government would be tested by the readiness to face and act on this disagreeable conclusion, and I should expect the electorate gradually to realize that its representatives must be chosen with care, since they possess powers of taxation, and ruthlessly removed if they do not expend moneys raised by such taxation on objects approved by the voters and in a reasonably efficient way. This is in outline the plan I would adopt to stimulate



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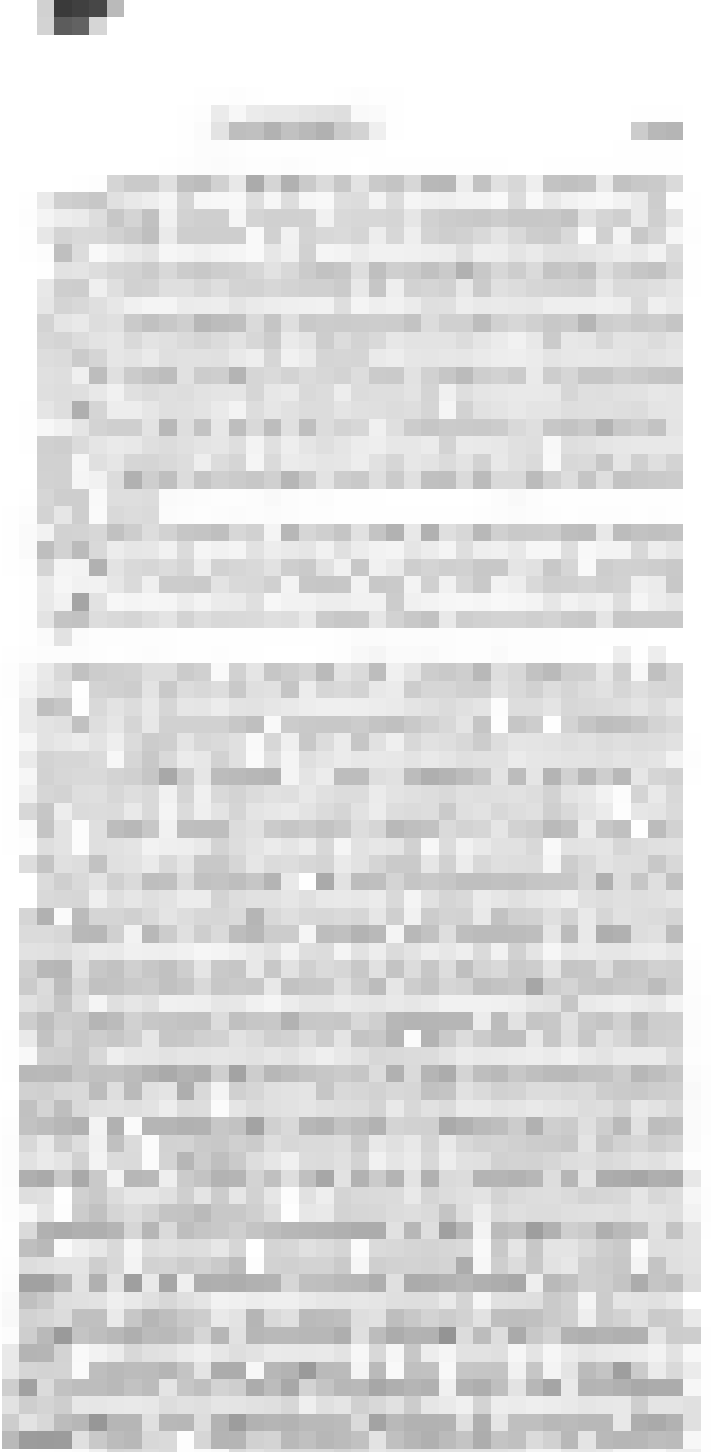

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7. *Paragraphs* 39–40.—Powers of raising new revenues are essential, and it would be for the Government of India to prescribe limits necessary in Imperial interests, but subject to such limits the Provincial Legislature should pass the legislation. There is no reason to invoke the Indian (Imperial) Legislative Council.

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10. I possess no qualifications to pronounce judgement on the wider and more remote issues raised, and I do not think they admit of any immediate decision. Everything depends on the extent to which fitness for local self-government is proved by practical experience.

No. 19

The central idea of your experimental scheme is the gradual transfer of certain branches of the administration to the Provincial Council, with a minister or ministers in charge: and you lay great stress on the need for financial responsibility. The funds at the disposal of the ministry in the first instance would be 'the proportion of revenue spent on the transferred services during the last few years'.

I will assume for the sake of argument that the departments enumerated under head I in your para. 33 are suitable for experimental transfer to a cabinet government (though I doubt very much whether they would give sufficient employment to the four ministers enumerated in your para. 35). Let us suppose then that the cabinet desires to embark upon a policy of agricultural development, or a large scheme for improving the roads in various parts of the province. The funds immediately available will be merely the normal expenditure of the preceding years, and clearly more money will be required. Two courses will be open (or a combination of the two):

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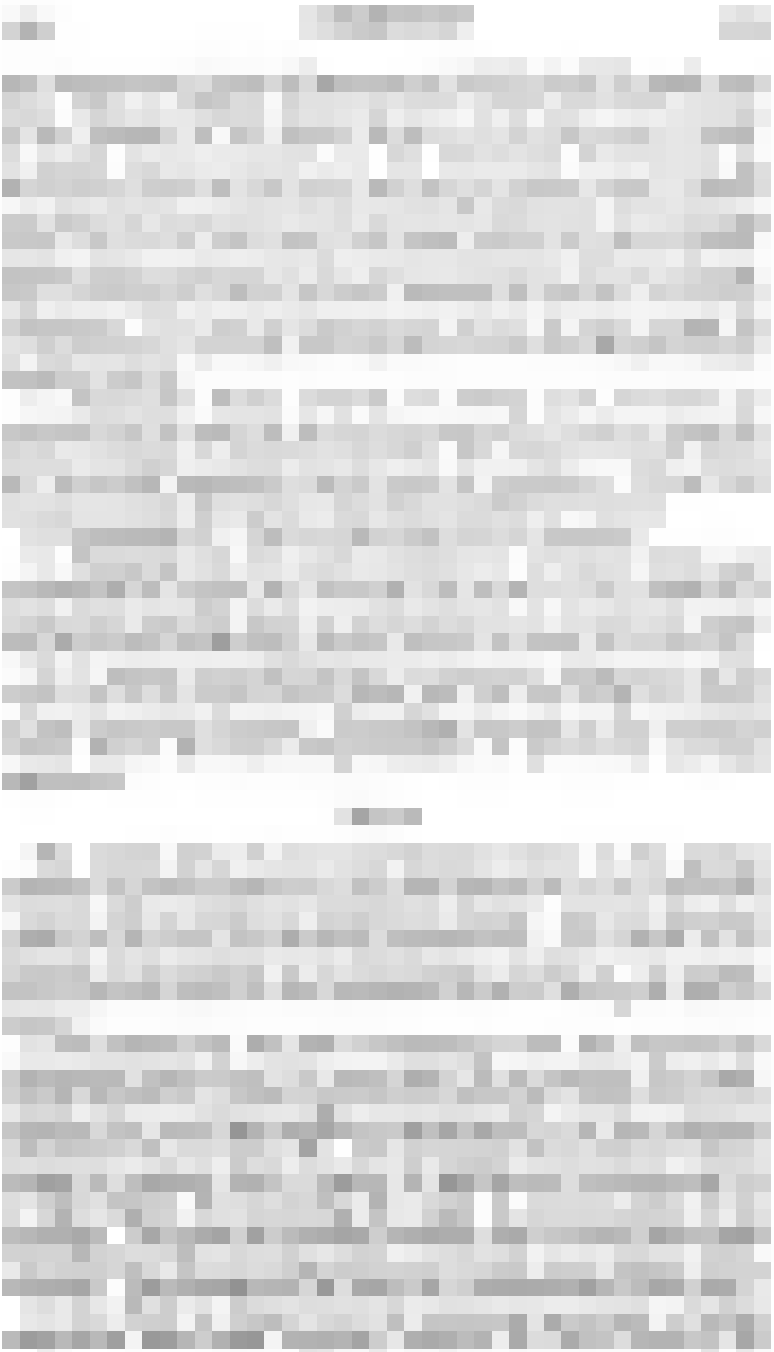

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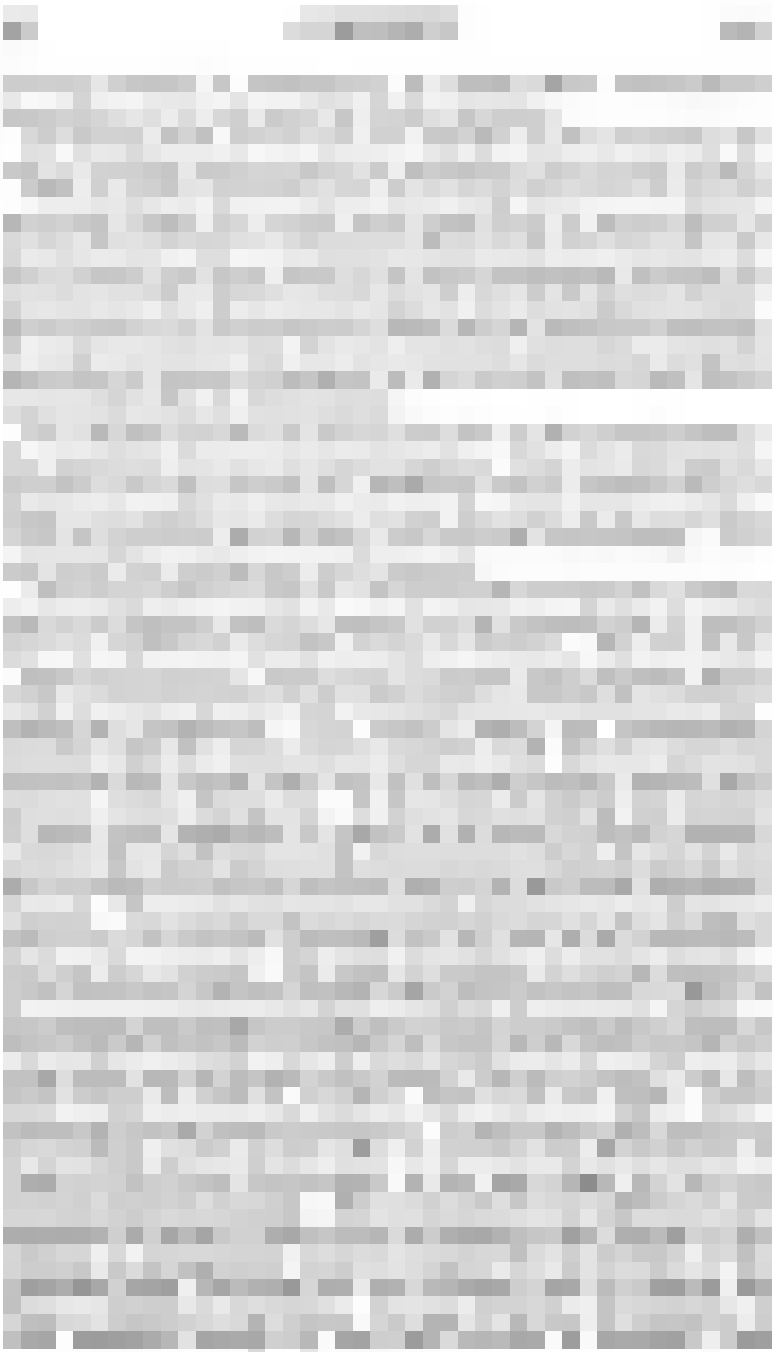
governor having in consequence to curtail other contemplated expenditure or to make good by further taxation.

(2) Raising fresh revenue by new taxation or by increasing the scale of existing taxation under the authority of the elected council.

With no greater authority than it has at present over the general provincial budget, the council would most likely be unsuccessful in moving the governor to curtail expenditure on the services under his direct control, and there would be as much controversy between the governor and the cabinet as there now is over the financial arrangements between the Government of India and the Local Governments. It is safe to assume that the two provincial authorities, naturally attaching the greater importance to the services under their direct control, will often be irreconcilable.

The cabinet will often be driven, therefore, to the second course—the imposition of new or increased taxation. Even if it felt that the governor was not refusing the additional money unreasonably, it might very possibly be tempted to cast the odium of the new taxes upon the governor, thus shirking real financial responsibility. I do not think this contingency can be ignored.

Assuming, however, that the cabinet loyally accepted the position that new taxation must be imposed on its responsibility, it would have to consider the possible sources of revenue. Not one of the 'transferred services' under head I (except local railways, which exist in very few provinces) is substantially or essentially a revenue-producing department. The council might not unreasonably conclude that the extra money required could best be raised by increasing the impost under one of the great revenue heads—land revenue, excise, stamps, &c. In the event of *entirely new taxation* I notice your suggestion in paras. 39–40 that it should promote a bill for the consideration of the Government of India (I presume by the executive Government of India, and not by the Indian Legislative Council. The provincial governor would also have to have his say so long as he was directly responsible for any part of the administration and the revenue). But what of increases of existing taxation, under heads not under the control of the provincial council? Many of the revenue enactments in India leave it to the Government of India or the Local Government to prescribe the actual scale of the imposts by rules, which may be likened to the British 'Orders in Council', e. g. the land revenue is nowhere, I believe, fixed in the law itself: excise duties and fees are prescribed by rule. In such cases a bill would not be necessary, and it would suffice to convince the Government of India or the Local Government, as the case might be, that an increase should be imposed. But in the case of mere additions to old revenues, the whole of which were not already at the disposal of the cabinet, an arrangement would be required for the division of the particular head (including the new increase) and for sharing the losses or deficits in bad years. In case of famine, for instance, or even extensive damage by hail, land revenue is remitted; and



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My conclusion is that the financial arrangements alone would give much scope for friction between the governor and the cabinet, at least in the transition stages preliminary to full responsibility in provincial affairs. This may not be a fatal objection, but I think at least an endeavour should be made to work out something which would minimize the risk.

I should also like to draw attention to another point not touched on in your scheme at all. Possibly you have omitted it for the present with a view to concentrating attention on the central idea. Are the future provincial parliaments to be single- or double-chamber institutions? I think most important countries have deliberately chosen the two-chamber system, and personally I should not trust a single chamber in this country; for I am not satisfied that the bulk even of the educated classes have sufficient backbone and independence to make them speak out publicly against proposals of which they really disapprove.

Incidentally, in order to secure freedom of voting in divisions in the council I should say that the BALLOT is essential. This is of course a minor matter at this stage, but it is worth mentioning, as pointing to the need for ample safeguards against hasty measures, whether administrative or legislative.

I am afraid this note is more destructive than constructive, but I have not yet been able to conceive any really practical scheme which shall suit the necessary transitional stages. I am convinced that the introduction of complete responsible government in one step is totally out of the question, and the existence of divided responsibility in the intermediate stages must give rise to many difficulties and possibly to dangers.

No. 20

(1) If you want to introduce representative government you can only do so in India by keeping a strong bureaucratic government there to introduce it, so

Don't water us any more with an Indian element. We have enough water in our constitution, and if you water us too much we will drift to native state government and down to Mandarin's

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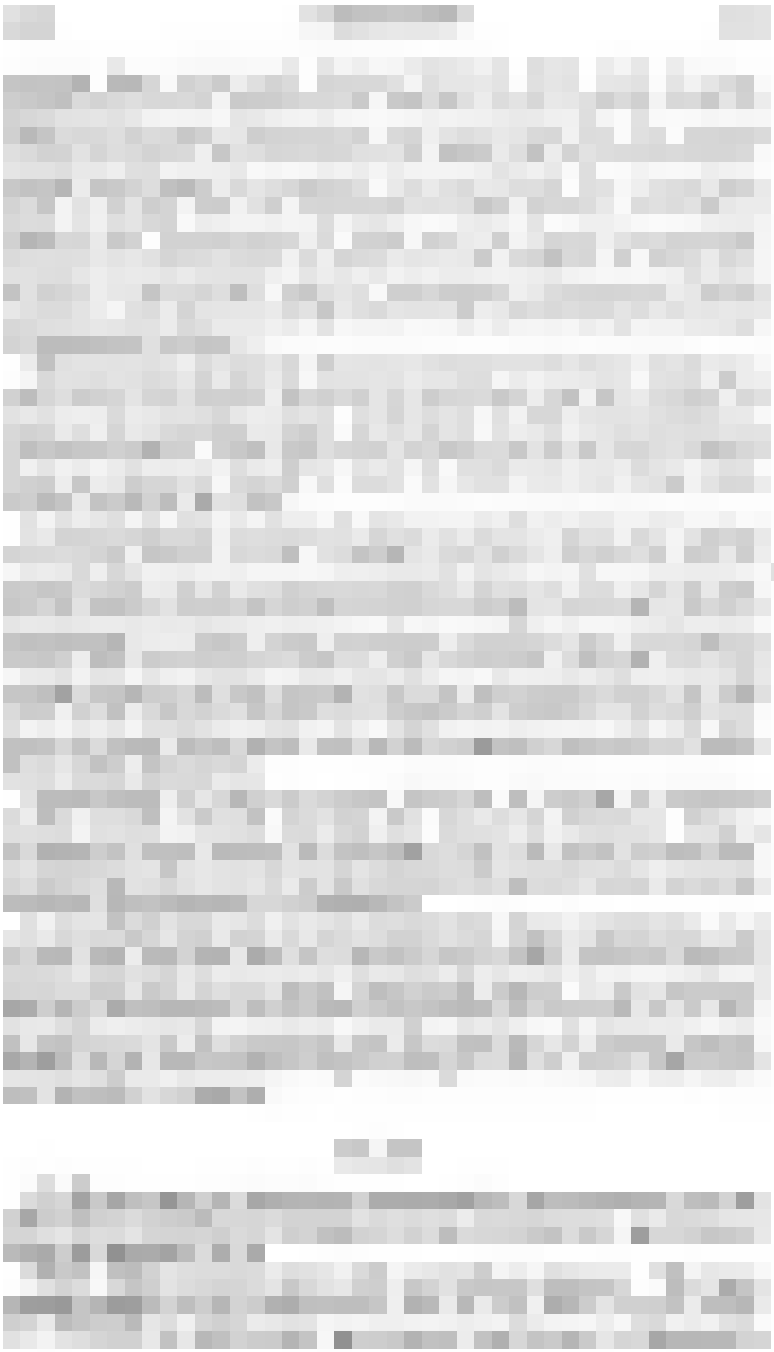

government. This is no agency to control elections, keep law and order, and collect revenue.

(2) It will be safe to give the following to the representative government:

(*a*) (i) All District Board work.
(ii) Excise.
(iii) Income Tax.
(iv) Personal Law.
(v) Temples, mosques, and religious trusts.
(vi) *All* town areas and municipalities.

Let them legislate for all these.

(*b*) Taxation.
(i) Let them put on any cesses they like.
Collector will assess and collect.
(ii) Let them impose income tax rates.
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(*c*) Appointments.
Hon. Magistrates.
Hon. Munsiffs.
Temple, &c., administrators.

Representative Assembly.

I start from bed-rock. Who do you cater for?
The odd million literates.
The 300 million others.

You must cater for the 300 million others.

I am all for
One man, one vote.
Age 25 and over.

You will say, literates only know how to vote. I reply 'that may be', but in India it is quite easy for a Collector to take a poll of 8,000 to 10,000 illiterate voters in half a day and *I'll guarantee* to do it.

An Indian crowd is most amenable. It is quite easy to
(1) Pay off 400 beaters at 2 an. each in half an hour.
(2) Pay off 5,000 coolies in a famine camp in three hours.

I could easily take the poll of 8,000 to 10,000 in half a day.

Assume they are all illiterate, quite easy, don't ask them to ballot. Have two enclosures red and blue, or any colour you like. Let them go into the one they want to, or some other arrangement which one could easily devise. You could not take a poll of 8,000 miners in Cumberland in this way, but one could of the natives of India and there would be no free fight. No drunkenness and no bribery and corruption—that is the beauty of the Indian voter with his magistrate on the ground.

I start then with a constituency of 8,000 to 10,000 voters—that means 50,000 population.

That gives for every one of the divisions in the Province between

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90–130 members. J. would have 44, K. 26 only, but make their constituencies populations of smaller numbers. Say 25,000 and 12,000 respectively as distances are big. Put the Commissioner over them in same position as a Colonial Governor and let them go ahead. Keep your magistrate and collector for

Law administration.
Police administration.
Revenue administration.
Electoral control.

Any constituency that felt this Divisional assembly was going the pace too fast would be at liberty to vote itself out of its clutches and come back to bureaucratic Government under the Collector and Magistrate.

Some might come back and very quick!

Make no distinction between rural and urban.

Very important, one man, one vote.

In 7, or 10, or 15 years' time the Leader of the Assembly and the Leader of the Opposition and two Collectors of Districts with the Commissioner as President would sit as a Committee and report to the Provincial Committee what further powers that individual Divisional Assembly should have.

Until the period of resettlement there should be no agitation permitted for further partition of spheres of action as between the bureaucracy and the Divisional Assembly. This makes the masses and not the classes the voting and perhaps the ruling factor.

Provincial Council.

Clip the wings of the legislative council. As regards powers, give it legislative powers only, no power over budget, and let there be a provincial settlement of contributions (if any are required) of provincial money to Divisional Assemblies every 7 or 10, &c., years, just as you settle spheres of action.

The obvious council (leg.) would be

The leader of the Assembly }
The leader of the Opposition } and Commissioners.

Note.—A village panchayat electing a head of the panch, then a number of heads of the panch form a union electing a representative and so on, ending finally in a certain number of delegates electing your member of the assembly for the constituency of 50,000 would never do.

Every one of the delegates would be bought. They would auction their votes or be intimidated or influenced, all the way down. The only way to play fair to the masses is to have one man one vote and vote straight for the member and let the magistrate and collector control the election.

Hence don't water the I.C.S. more than you can help.

A district of one million means twenty elections. The magistrate and collectors and his Joint could work them off in two months and preside at each.

90–130 members. J. would have 44, K. 26 only, but make their constituencies populations of smaller numbers. Say 25,000 and 12,000 respectively as distances are big. Put the Commissioner over them in same position as a Colonial Governor and let them go ahead. Keep your magistrate and collector for

Law administration.
Police administration.
Revenue administration.
Electoral control.

Any constituency that felt this Divisional assembly was going the pace too fast would be at liberty to vote itself out of its clutches and come back to bureaucratic Government under the Collector and Magistrate.

Some might come back and very quick!

Make no distinction between rural and urban.

Very important, one man, one vote.

In 7, or 10, or 15 years' time the Leader of the Assembly and the Leader of the Opposition and two Collectors of Districts with the Commissioner as President would sit as a Committee and report to the Provincial Committee what further powers that individual Divisional Assembly should have.

Until the period of resettlement there should be no agitation permitted for further partition of spheres of action as between the bureaucracy and the Divisional Assembly. This makes the masses and not the classes the voting and perhaps the ruling factor.

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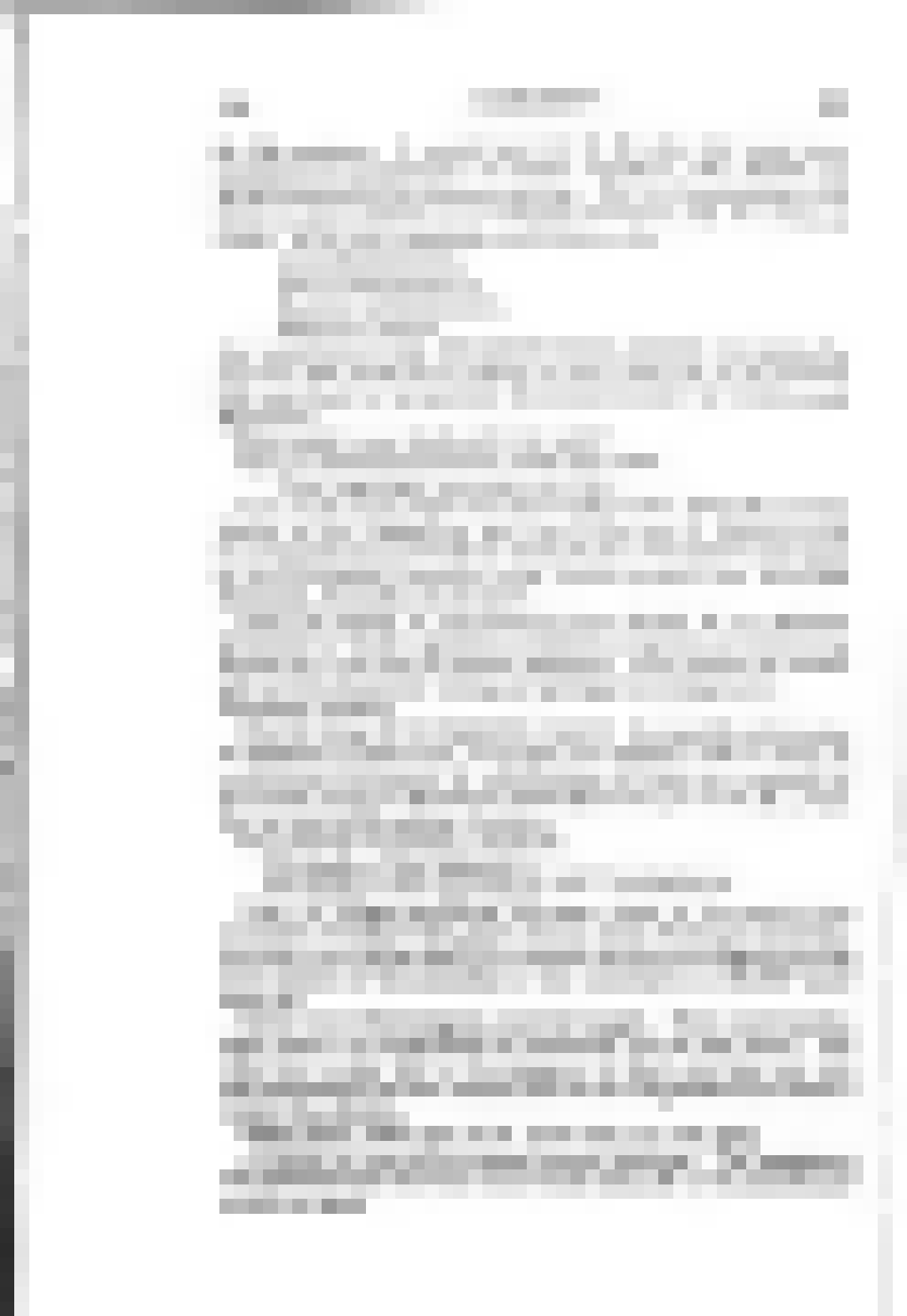

Let the first Assembly live for two years, then have elections again for three years; language of the assembly and script to be local. English barred.

Before Montagu comes out the first thing to settle and put down is the racial antagonism which has sprung up.

The literates call me an Anglo-foreigner. I call myself an 'old timer'.

However, I have thought about this a good deal when threshing water and getting no fish, and to my mind this is the way to play fair with the country and its 300 million, but it is absurd to assume that England can ever play fair with them if it attempts it by means of a watered bureaucracy. All agitation to water it should be suppressed. India for the Indians means an Indian bureaucracy, and would end in

Mandarin Government,

and no Mandarin Government or semi-Mandarin Government could control elections which year by year will become one of the most important functions of the District Magistrate. Under this scheme the District Magistrate will be required for one or two decades more. By that time the Divisional Assemblies would be really powerful bodies, and might have produced a better generation of politicians fit to administer and to enter the ranks of the bureaucracy which would be less necessary as power expanded towards Divisional Assemblies.

Comments from European Members of Public Services other than the I.C.S.

No. 21. From a Teacher

1. The constitutional proposals for India are a dependent part of a comprehensive scheme for Imperial reconstruction, and must therefore inevitably share the strength or weakness of the latter. They must lose much of their argumentative force in the eyes of those who are unable to accept the larger scheme. Personally I do not believe in the desirability or feasibility of an Imperial Federal Parliament on an elective basis. What the ultimate solution will be no man can foretell, it will be decided by the course of events; but I think it is more likely to take the form of an Imperial Executive, than an Imperial elective Parliament, assisted possibly by an Imperial senate, which is not elective.

2. A corollary to the larger schemes is the periodical and prolonged review of Indian affairs by the Imperial Parliament. Even supposing this were made possible, I can see no attractions in returning to a course of procedure, which change of conditions has rendered obsolete. In the days of the Company there were obvious reasons, administrative and financial, why Parliament should watch and review the affairs of a company, which depended for its existence on itself, but those reasons ceased to exist as soon as India came

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under the direct Government of the Crown. The consequent neglect of India by Parliament has been, I think, no unmixed evil: it has in fact been a blessing in disguise. Even in the eighteenth century the incursions of English politicians into Indian affairs were not always fortunate. Burke, e.g., disgraced himself in the matter, and Pitt's connexion with the matter left a blemish on his career. It has been a happy accident that Indian affairs have been for the most part removed from the interference of inevitable ignorance and the heated and unwholesome atmosphere of party politics. If Plato is right, and I think he is, in laying it down that wisdom is the first qualification for good Government, it is a good thing that the unwise have neglected Indian affairs. Nor is it to be deplored that Royal Commissions have failed to exercise the influence on public opinion that Parliamentary committees are said to have done. Their personnel is often unsatisfactory, e.g. in the latest, and their recommendations are often not according to knowledge.

3. The issue of a fresh charter is advocated taking the form of the promise of self-government. I strongly object to any such thing. As a matter of practical policy in ordinary life, I think it is most important never to promise what you cannot perform. (I may say that the rule has constantly to be applied in every day official life, which is lived in an atmosphere of importunity) and I see no possibility of granting self-government in any real sense to India within any period that one can foresee. Such a charter would only lead to disappointment, discontent, and charges of bad faith, unless of course the advent of chaos can be contemplated with equanimity. In all matters of politics in India, it is important to realize that the Indian has acquired the vocabulary of western politics (and morals) but attaches to the words only a fraction of the meaning attached to them by Englishmen. They know the *onomata* but not the *pragmata*. The Indian has only a verbal knowledge of self-government: hence the promise of it would be equivocal, because in India there is a deep gulf between thought and things which will take a lot of filling up. It is worth while remembering that the proclamation of 1858 has meant different things to Europeans and Indians.

4. The advocacy of charters is part and parcel of the proposal to adopt a written constitution for the Empire after the American model. I see no need for this. The British Empire will have to settle its problems in its own way, and as General Smuts acutely observed, 'not follow precedents, but create them'. In high politics, as in official and private life, 'least said soonest mended' is a golden rule: unfortunately, a perpetual flux of talk is the fashion of the hour: and it flows in torrents from the heights! We could do with a little more of Moses, and a great deal less Aaron. Nor do I think it necessary to follow French precedents in the enunciation of general principles. The British character, no doubt, suffers from the defects of its qualities, and dislike of system and logic is one of them. But I do not think it will improve itself by imitation

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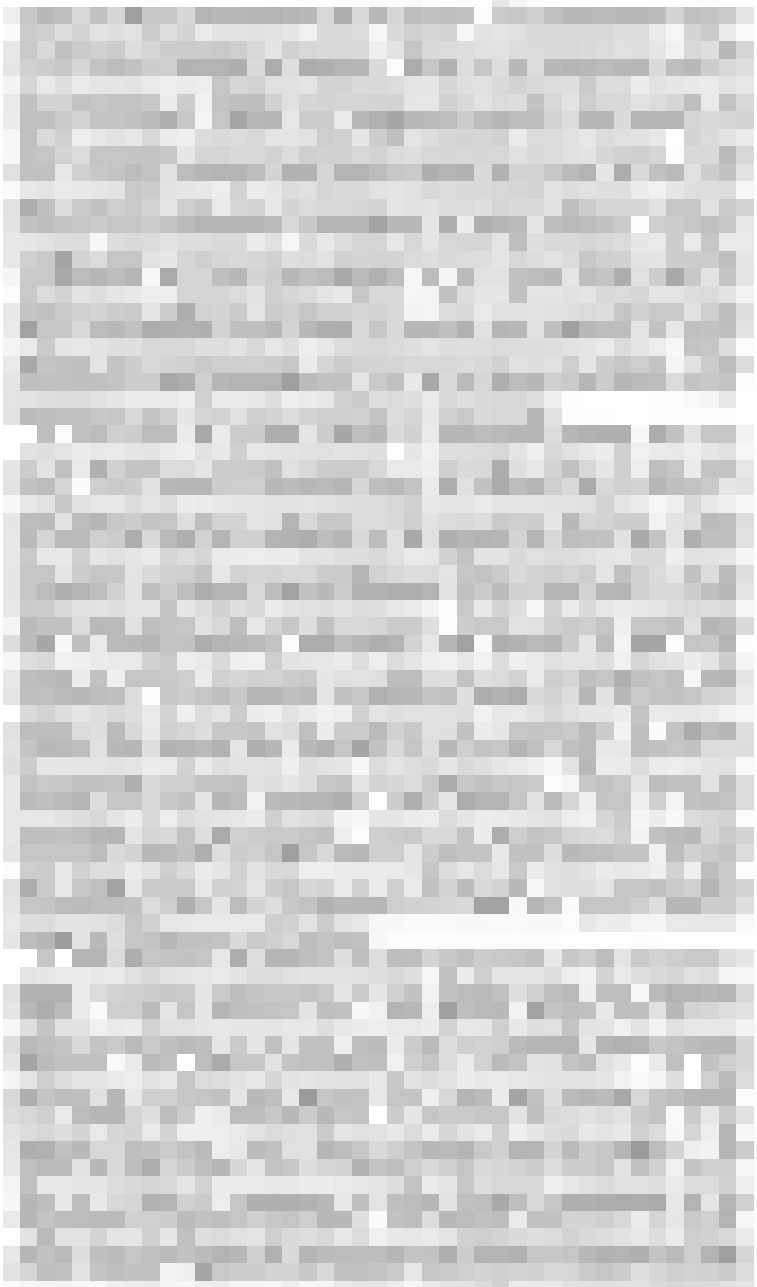

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5. I do not think that precedents and analysis drawn from other countries, e.g. America and the self-governing dominions, are helpful in dealing with Indian problems. India is *sui generis*—in a category by itself. There is great truth in the paradox that, 'there is no such country as India'. 'India' and 'Indians' in connexion with politics are very much idols of language, though the common rhetorical use of them tends to blind men to the fact. The problem of government cannot, in my opinion, be usefully considered except in close connexion with the social conditions of the people: and such things as the caste system, the marriage customs, the position of women, the variety and conflict of religions, the small amount of education, and the peculiar historical traditions of the country differentiate the population from the population of the self-governing dominions. There has been much to develop servility and oppression: and much to destroy any germs of self-government. It is a question whether these germs have not been damaged beyond repair. But supposing they have not, they need very careful treatment. Time and rest, not premature exercise, are essential to the cure of the paralytic patient. The points mentioned are so commonplace that there is a tendency to ignore them. But they can only be ignored at one's peril. They constitute the facts of the situation. Constitutions cannot be invented *in vacuo*, without definite reference to the life and nature of the people for whom they are intended. It is no use to pick them up, in Homer's phrases, 'from a rock or a tree'. It may be said that a people may learn fresh habits. Certainly, but habits are of slow development, especially when opposite habits have to be unlearned, and they are not likely to be generated by what amounts to a sudden revolution in the machinery of government.

6. It is allowed that the whole system of British Government in India is derived from autocratic antecedents. Very well, that is all the more reason for going slow in the direction of self-government, rather than by sudden revolution. As it is, the so-called instalments of self-government in the shape of local and provincial councils can scarcely be called a success. They are very much a matter of make-believe: they are a veneer—while the staple of the administration is personal rule. Would it not be wiser to let them justify themselves by success, before making further advances, in obedience to abstract theories?

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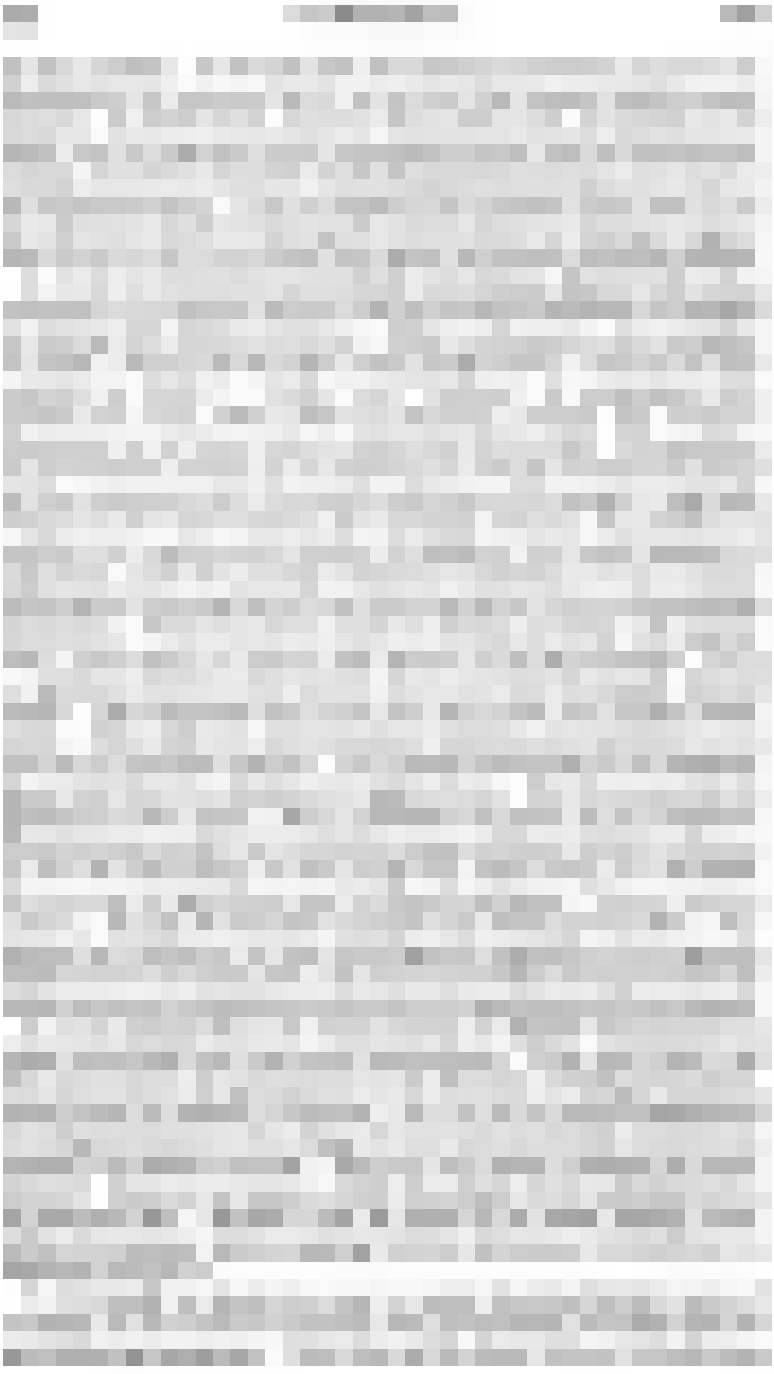

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(1) It is misleading to use the word 'national' as a synonym for 'imperial', for there is no such thing as the 'nation of India', nor likely to be for a very long time to come. It is a figment of political agitators or impatient idealists.

(2) Cabinet government seems to be quite incompatible with the existence of a bureaucracy, which I regard as indispensable to India. It is a mistake to look upon Indian officials as occupying the same position as the permanent civil service at home. To all practical purposes, officials *are* the government in India. In England they are not.

(3) Again, the words, 'popularize the control of government', are misleading. It is time enough to talk of popularization when you can talk intelligibly of 'the people', which, at present, is impossible.

(4) Even in the more advanced provinces of India, the number of people capable of taking part in politics in any real sense is extremely small. And those who appear to be have acquired the vocabulary rather than the reality of party politics. As a matter of fact, party government, responsible government, cabinet government, are mere phrases: as long as politicians represent principally themselves, and elections are the force that they are, 'responsibility of representatives to the people' are words without meaning.

(5) At the best, the electorate would be so small, that self-government could not be popular government and would in practice be an oligarchy, and an oligarchy of a very unattractive kind.

(6) The letter proceeds apparently on the hypothesis that the starting-point for progress in India is the measure of 'self-government' already granted. But that has hardly passed beyond the experimental stage. Much might be said in favour of the view that it is largely premature. Surely it would be wise to let these experiments pass out of the experimental stage before proceeding farther.

(7) In para. 39 it is assumed that there are unlimited sources of taxation still untouched, which a popular government might get hold of. I think this is extremely doubtful: and that Lord Bryce is perfectly right in his warning that one of the greatest dangers to Indian administration, as it was to the Roman Empire, is the laying on of too heavy financial burdens.

(8) It is not the want of local self-government that has impeded enterprise, but the character and social conditions of the people. British control has not been a drag on the wheel of local initiative. It has rather been in the position of those who piped to the children in the market-place who refused to dance.

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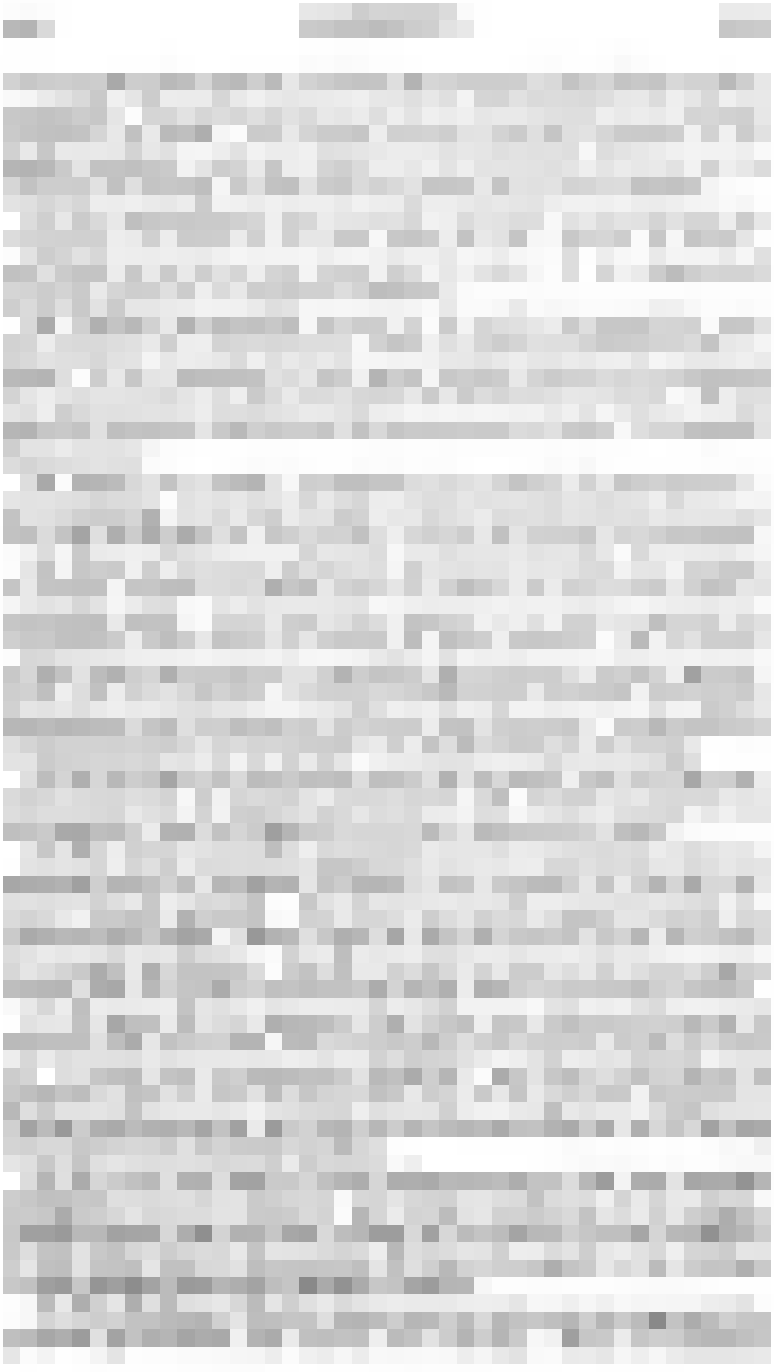


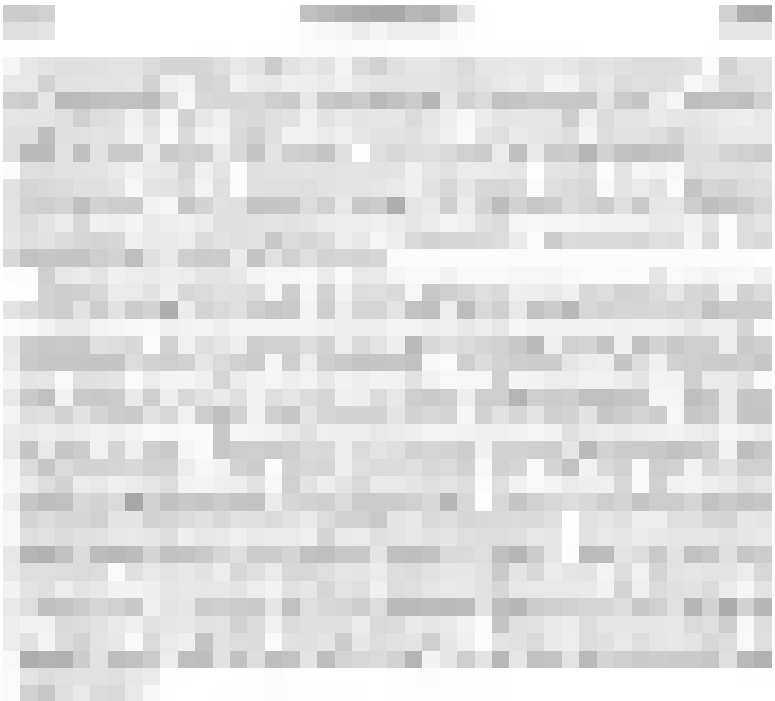
of personal arbitrary rulers to whom, and not to 'the people', they are responsible. They are monuments of Autocratic rule: entirely dependent on the caprice of the ruler: and hold their power, so long as they enjoy his favour. They have no responsibility to an electorate, such as representative statesmen have in a popular government. They therefore supply no argument for the capacity of Indians for participation in 'responsible' government in the Parliamentary sense of the word.

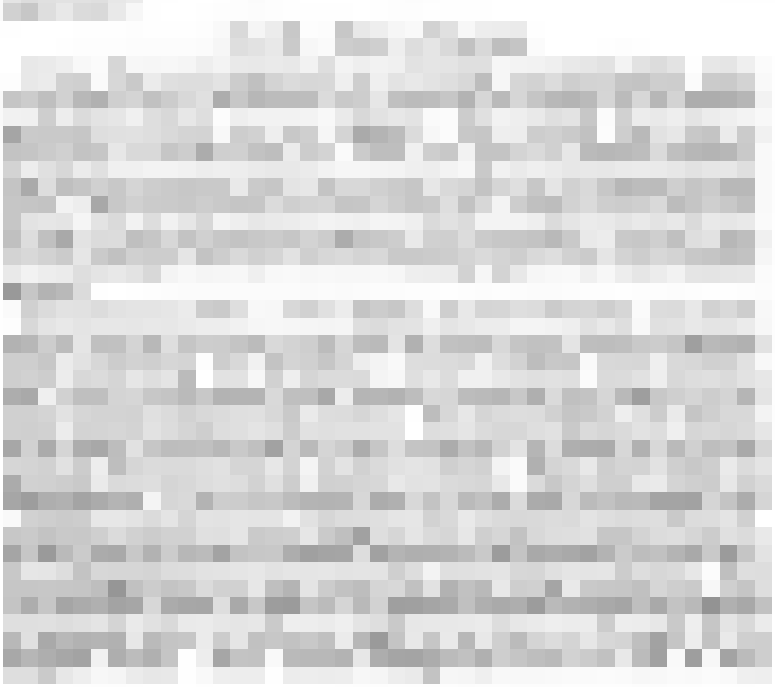
Finally, for politics, as in other spheres, it is a good rule not to let the child run before it can walk (and childhood, as Aristotle reminds us, is not measured by age), perhaps some peoples like individuals never grow up *politically*. At present, I am convinced that India is not fit to run: to enjoy self-government. But she can be made to walk, and perhaps later, in the dim future, she will be able to run. Meanwhile, her interest is good government, not self-government; and good government she will not get except under the guiding hand of the British Raj. Doses of self-government should be small and very carefully administered. It is a truism to apply *festina lente* to the political future of India. But it is none the less true. It is no use trying to make a bullock cart go the pace of a motor-car. I believe one of the greatest obstacles to solid progress is 'hurry' and unduly forcing the pace. Those who have faith in India's future will not get into a fuss: for he that believeth will not make haste!

No. 22. From a Teacher

I fear that you suspected me of trivial conventionality when some nights ago I disclaimed any practical knowledge of the Indian problems in which you are engaged. But, indeed, that was no mere form of words with me. Now you write for useful criticism. And the fact remains that I have none to offer for the reason already given. But having read your letter with care, I desire more than ever to help—if only in academic manner—if it be possible. And so I refer to two passages that have set me thinking again over some familiar ground.

In § 17 you write: 'For despite all this diversity you have only to look at the map to see that in India proper there is national unity underlying the diversity.' I have studied your context; but I don't understand what definite meaning you attach to the term *national unity* in that context. The map of India, the history of its many countries and its many religions—all these to my mind proclaim diversity without shadow of relief. Pray don't think me discourteous. I have no doubt that the word and the thought hold a definite content for you, though at the moment I cannot focus it. At any rate the point is of small importance as between you and me; for as Englishmen we must mean the same thing in practice. But I do feel that when we talk to our Indian friends and fellow subjects of national unity in India we ought to lay bare our thought in the simplest terms. Their mental background must be and is very





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different from our own in reality. Of course I also know how difficult it often is to talk quite plainly to these friends without hurting their natural susceptibilities.

This crux of national unity in India is connected (in my train of thought) with a second passage in § 12 of your letter: 'The first condition of popular government is that a definite section of the people should aspire to achieve for themselves a better life not only in things material but in *things spiritual*.' The italics are mine to indicate (for me) that you have put your finger on the problem of Indian problems. Now let me say without reserve or any fence of debate what I mean by spirituality. At the beginning and at the end, I mean an ideal of self-sacrifice and the practical life that issues therefrom. This ideal did not exist in ancient India—if my reading of the history be correct. How much or how little of it is a living power in Modern India I find it hard to say. In homely phrase, that's just it! Schemes for Home Rule in India strike me with a painful sense of unreality. Is it thinkable that national unity—itself an ideal—should take root in this country and grow before tens of thousands of educated Indians have learnt the lessons of self sacrifice within the narrower groups of common social life? Are they being taught in detail what of self-sacrifice is involved in this, that and every other political right that is worth striving for? There is a true beginning of all such things. Are they being taught that?

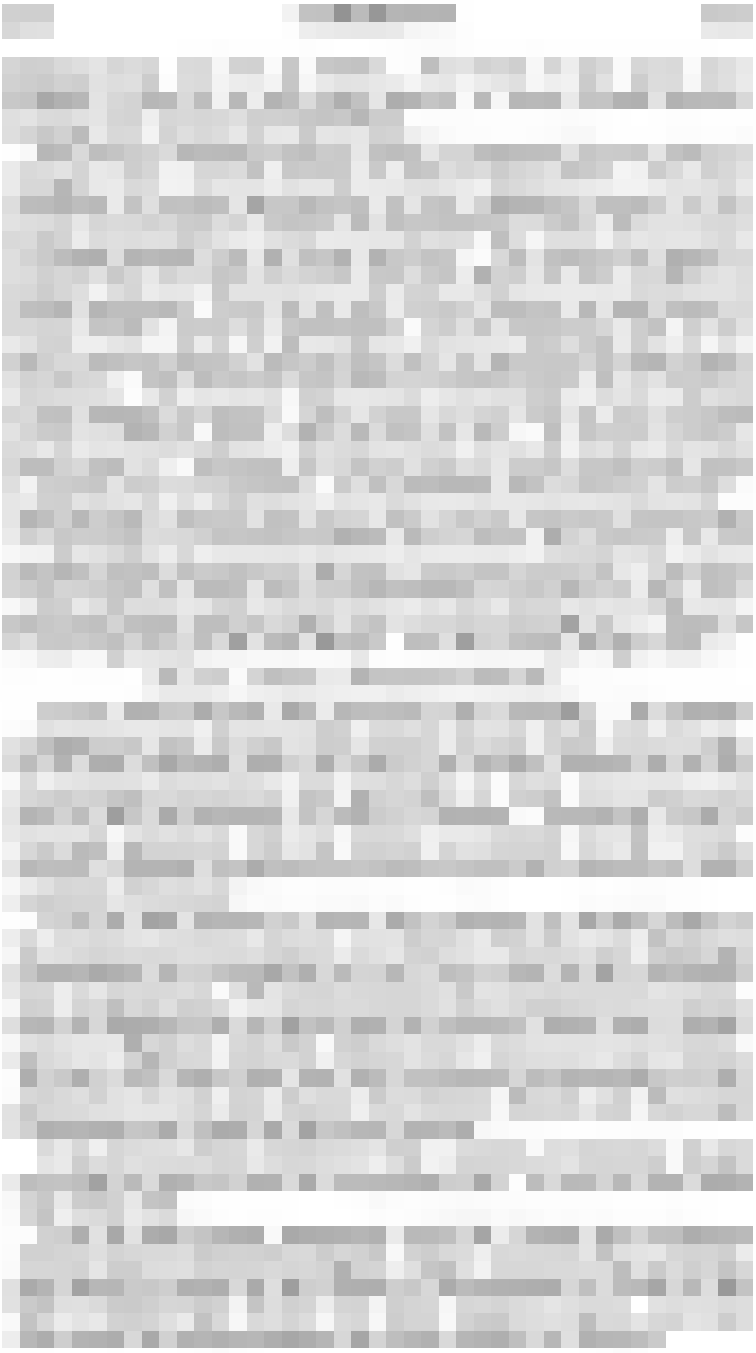
No. 23. From a Frontier Officer

I have read through this pamphlet very carefully. It contains a suggestion that the end which should be and which will, I hope, be the aim of British Policy in India, is to educate Indians in the art of governing themselves, and gradually to hand over more and more of the Government of India to Indians. Personally I am in thorough agreement with the scheme as outlined by Mr. Curtis, namely, a system of gradual devolution of powers to elected or other members of Council.

I was at first inclined to think that perhaps we should begin at the bottom and first educate our District Boards and Municipal Committees, but on thinking it over I have come to the conclusion that we should not. We must remember that representative institutions in England did not grow from the bottom—there was a parliament in England centuries before there were any local bodies. We may well begin then with the Provincial Governments as suggested, but we can also educate the District Boards and Municipal Committees *pari passu* on the same system.

I can see no reason whatever why a system of dyarchy should not work in India as well as everywhere else. In fact it does exist and works well.

I am in most hearty agreement with Mr. Curtis that whatever system may be ultimately adopted, what is wanted is that a definite goal should be given to the officers of Government in India in the light of which they should view their smallest actions, and that aim should be self-government for India within the Empire.



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IV

THE STRUCTURE OF INDIAN GOVERNMENT (*June 1917*)

(*a*) ALL INDIA

§ 1. THE final executive authority for India is the Imperial Cabinet in London. The selection of the Governor-General, for instance, rests with the Cabinet. Any detail of Indian administration might, in fact, come up for Cabinet decision, though, of course, it seldom does so. The Cabinet is responsible to the Imperial Parliament, which is in turn responsible to the British electorate. The root of Indian Government is at present in that electorate.

§ 2. The Secretary of State for India, the minister responsible to the Cabinet for Indian affairs, who therefore controls the Governor-General, is a member of the Cabinet. He is assisted by a council of from ten to fourteen members, of whom nine must have ten years' Indian experience. With certain exceptions all communications sent to India must come before the members of the Council, though, except in matters of finance, the Secretary of State is not bound by their advice. This does not, however, apply to matters affecting peace or war or relations with foreign or native states, if the Secretary of State decides to treat them as secret, in which case they are not submitted to the Council.

The Governor-General, except in matters of unusual importance, can only act with the advice of his Executive Council and, indeed, may be overruled by a majority of that body. In ordinary matters the executive authority for India is the Governor-General-in-Council, which consists of the Commander-in-Chief and six ordinary members, of which three must in practice be members of the Indian Civil Service.

Subject to the above control, the responsibility for all the functions of government throughout British India thus rests on the Governor-General-in-Council. The business is at present divided amongst the various members, as follows :

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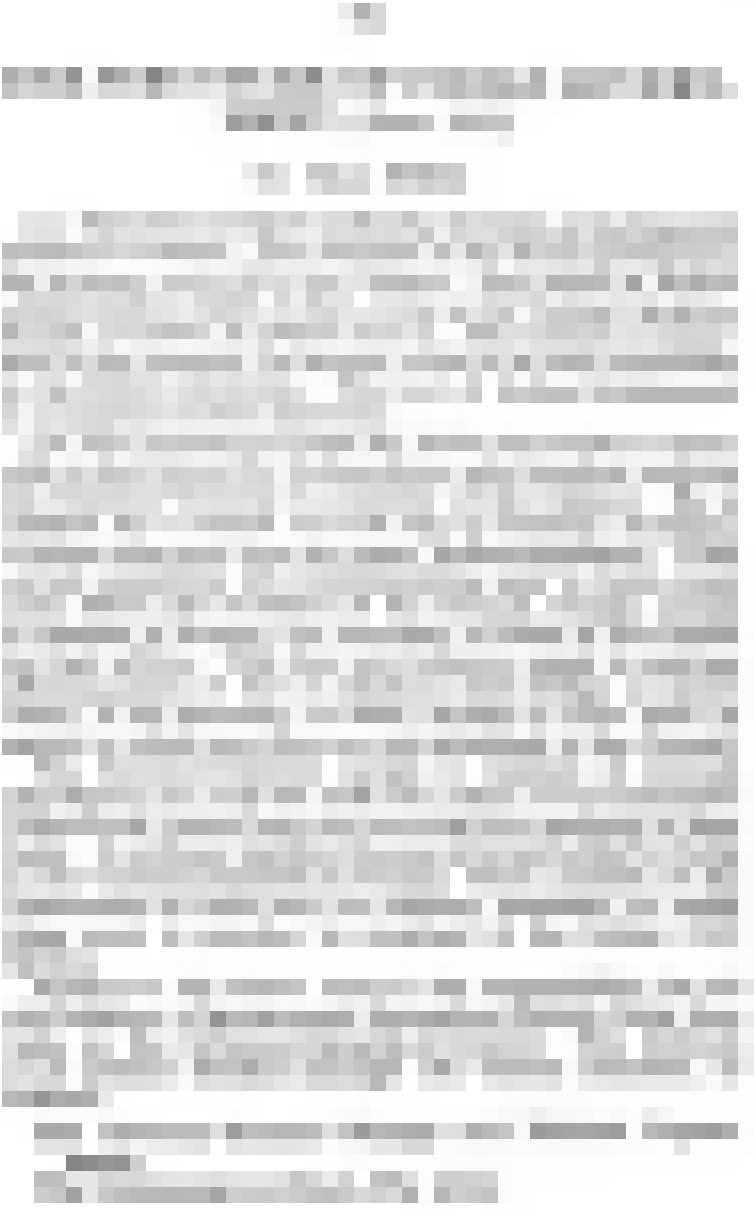

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The Member for Commerce—Commerce and Industry, Railways, Posts and Telegraphs.

The Financial Member—Finance and Audit.

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For five months, during the winter, the Government of India with its Secretariat sits at Delhi ; for the remaining seven months it migrates to Simla, a station situated in the foot hills of the Himalayas some 6,000 ft. above the sea.

§ 3. So far we have been following a direct chain of administrative authority. The Imperial Cabinet controls the Secretary of State and the Secretary of State the Government of India. We now come to a stage where administrative authority begins to branch. Some functions the Government of India discharges for itself through departments of its own. In others it acts through a number of provincial governments. It will be convenient to enumerate these provinces at once.

First of all come the two original Presidencies of Bombay and Madras, and the new Presidency of Bengal, each with a Governor-in-Council. Like the Governor-General he is usually a prominent man, with no previous experience of India, who is sent from England direct. Coming to India with fresh and unbiased minds these Governors are intended to supplement the professional views of the permanent officials, and also to act as a connecting link between them and the European communities of Calcutta, Bombay, and Madras. Like the Governor-General, the Governor of a Presidency may be overruled by his council.

Next in order, though not in importance, comes the province of Bihar and Orissa with a Lieutenant-Governor-in-Council. In this case the existence of a council is due to the fact that Bihar and Orissa formed part of Bengal and that council government had already been established there before this area was constituted as a separate province.

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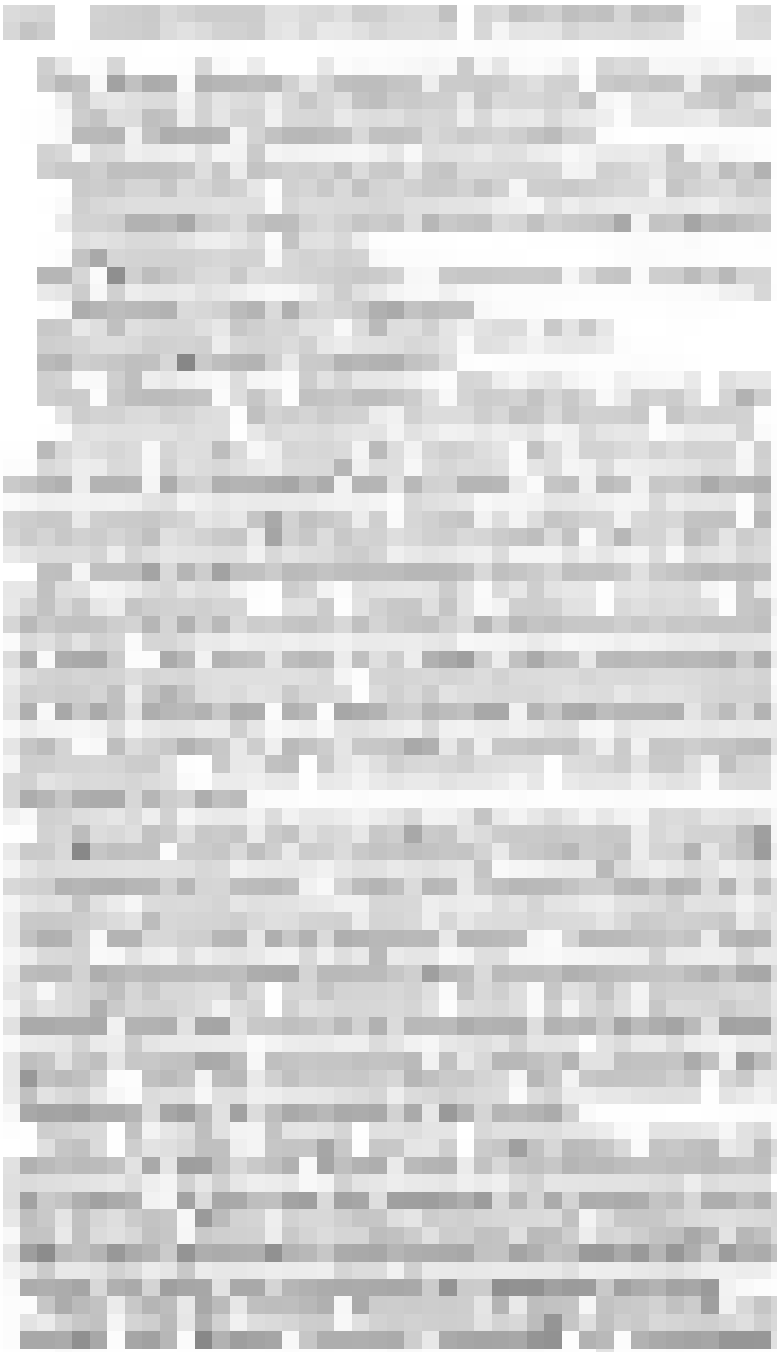
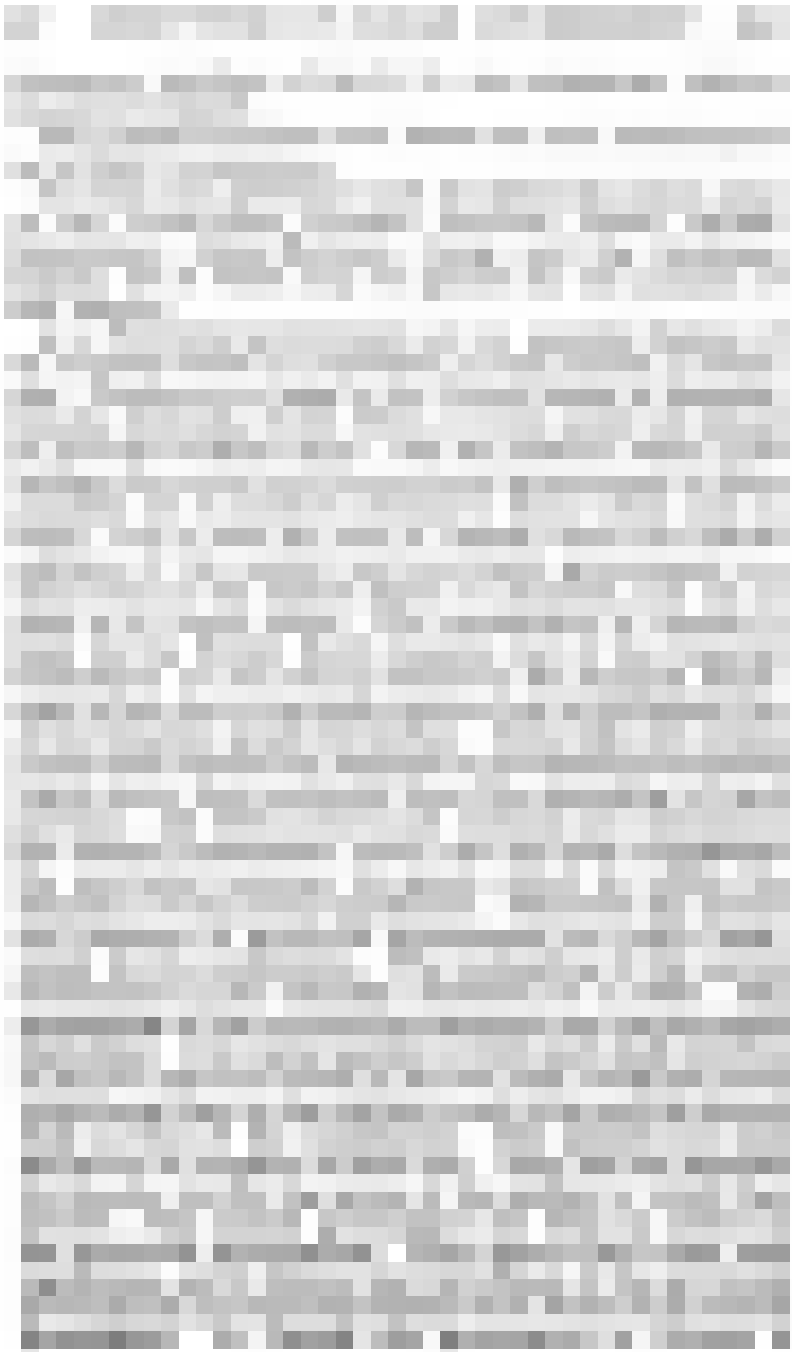


Governors, members of the I.C.S., who administer without the aid of councils.

The Central Provinces and Assam are each administered by a Chief Commissioner.

To these nine provinces must be added the minor areas of the North-West Frontier Province, Delhi, British Baluchistan, Ajmer-Merwara, Coorg, and the Andaman Islands, all of which may be ignored for the purpose of this inquiry.

§ 4. Provincial governments are an essential feature of all countries which in population or area exceed a certain size. Territories so large as the United States of America, Canada, Australia, South Africa, or India could not indeed be governed without them. But the relations which exist between the central and the provincial governments in these countries are in marked contrast to those which exist in India. Let us take the case of Canada, where the mutual relations of the central and provincial governments are closer than in the United States or Australia, but not so close as in South Africa. The constitution of Canada is fixed by the British North America Act of the Imperial Parliament. It can only be altered by the Imperial Parliament, a fact due to the public opinion, not of the British, but of the Canadian people themselves. Under this Act certain powers and revenues are assigned to provincial governments which derive their authority from the electorates of each province. All other powers and revenues are reserved to the central Government, which can and does supplement the provincial revenues by grants which lie within the discretion of the central parliament. Otherwise the powers and revenues of provincial governments are solely determined by the constitution. The mainspring of the central Government is the Canadian electorate as a whole. The mainsprings of the provincial governments are the provincial electorates. It is a solar system in which each body revolves on its own axis and travels in its own orbit, while the power which keeps them in due relation to each other and the central body is that of the constitution. The planets are each moved by an impetus of their own. They are not impelled by the sun, but by the power of the system in which they revolve. The central government can issue no orders to the provincial governments. They cannot bind them with regulations, and it follows that the officers of the provincial governments are absolutely distinct from those of the central government. In Canada the government at Ottawa is



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responsible only for the functions entrusted to it by the British North America Act. The Government at Delhi and Simla is responsible for every detail of government in India. It is this fact which dominates the whole of its relations to the provinces, and which makes those relations so different from those which exist in the countries we have mentioned.

§ 5. The Governor-General-in-Council is responsible, then, for all the functions of government in India. These functions are divisible into two classes. Some of them are administered through departments directly controlled from Delhi and Simla, while others are administered through departments controlled by the provincial governments. To the first category belong the departments which control —

- Foreign Affairs.
- The Relations with the more important Native States.
- The Army.
- Indian Finance.
- Audit.
- Currency.
- Mint and Assay.
- Posts.
- Telegraphs.
- Railways.
- Geological, Topographical, and Archaeological Surveys.
- Mines.
- The Northern Indian Salt Revenue Department, which includes not merely the revenue, but the administration of the manufacture of salt.
- Higher Agricultural Research.

To the second or provincial category belong

- Land Revenue, including Cadastral Surveys.
- Customs.[1]
- Opium.[1]
- Stamps.
- Excise, and Salt in Southern India.
- Provincial Rates.
- Income Tax.
- Forests.
- Registration.
- General Administration.
- Local Self-Government, including control of Municipalities and Local Boards.
- Law and Justice.
- Court of Wards.
- Charitable Endowments.
- Jails.
- Police.
- Ports and Pilotage.
- Education.
- Museums.
- Ecclesiastical Affairs.[1]

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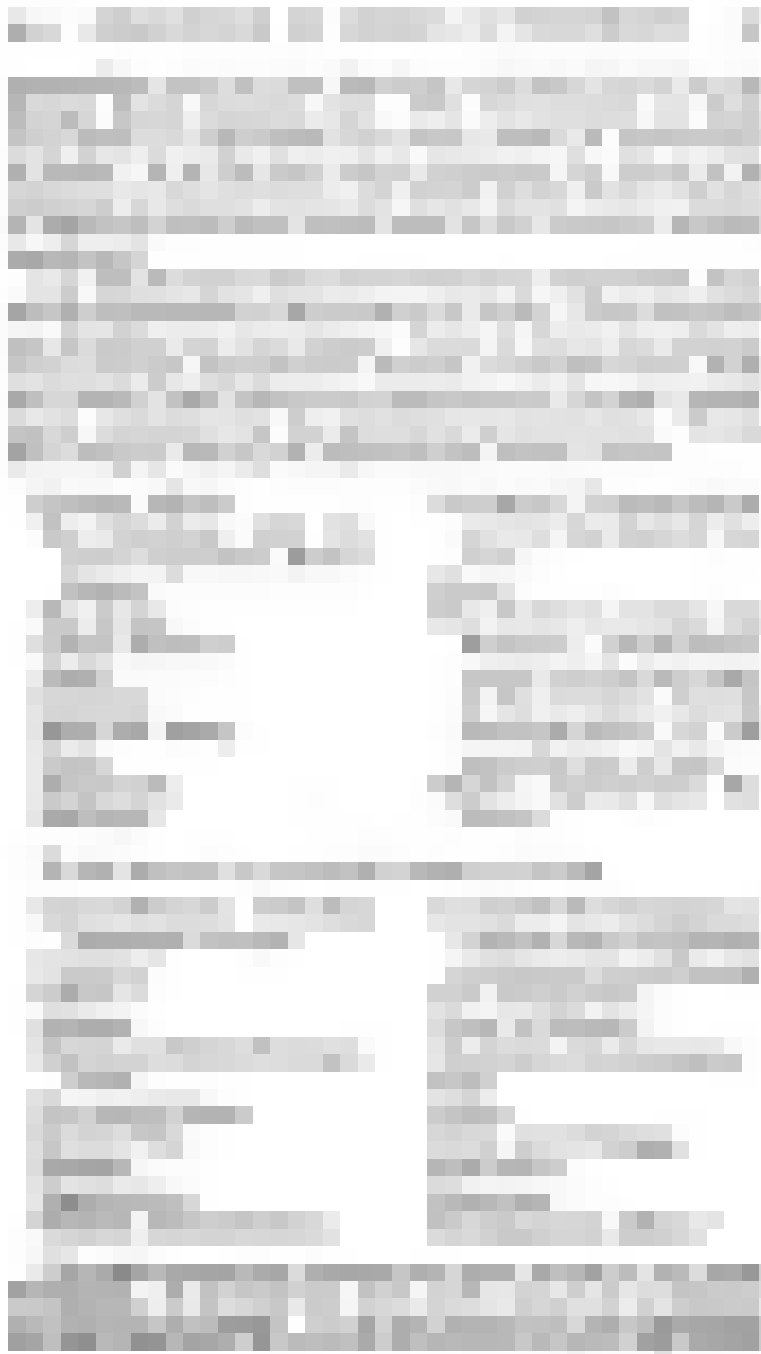

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Civil Veterinary Department.
Factory and Boiler Inspection.
Relations with some of the adjacent Native States.
Agriculture, including—
(1) Co-operative Credit.
(2) Scientific and miscellaneous departments.
Stationery and Printing.
Miscellaneous.
Famine Relief.
Irrigation.
Public Works.

The work of all these provincial departments is supervised by the Government of India. In some technical matters, this supervision is exercised on the advice of special departments at Delhi and Simla which are grouped under one or other of the members-in-council. Such advisory or semi-advisory departments are those which deal with—

Agriculture, including Research.
Civil Veterinary Work.
Education.
Forestry.
Medicine.
Sanitation.
Public Works.
Irrigation.
Survey.
Criminal Intelligence.

These departments, however, are not always confined to advising the Government of India. The Agricultural Department conducts research, while the Education Department deals direct with the University of Calcutta.

Provincial finance is supervised by the Finance Department, and provincial accounts are subject to the Auditor-General. Provincial Legislation is supervised by the Legislative Department and wherever provinces are left to handle their own relations with neighbouring native states, they do so subject to the close supervision of the Political Department. In matters other than those specified above provincial governments are supervised by the Home Department, which acts as the special custodian of constitutional usage and practice.

§ 6. The officials, by whom these numerous departments are staffed, are drawn from a number of services. It is necessary to realize that a department is one thing and a

of principle. All this shows how completely the provincial governments have been treated and trusted as localized departments of the Government of India. In the U.S.A., Canada, or Australia the collection of customs by provincial or State governments on behalf of the federal government would be unthinkable.

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There are certain divisions which impose themselves on all complex public administrations, the nature of which is easily explained by reference to an army. An army consists not only of a fighting force, but also of a number of technical corps, like the Engineers, the military railway service, the field telegraph service, the medical service, the army service corps, the transport service, and many others. These collateral services are divided, so to speak, from each other by vertical lines. Each separate service, however, is also divided into two principal grades by a horizontal line. Above that line are commissioned officers and below that line are the N.C.O.'s and the rank and file. These services are the reservoirs from which an army is constituted for action in the field. The general staff is composed of superiors drawn from the corps of regimental and technical officers, assisted by subordinates drawn from the rank and file of the various services. The Government of India corresponds to this general staff. The bulk of the army is composed of various army corps in which most or all of the technical services are represented. The Provincial administrations correspond to these army corps. On the other hand there will be certain general departments subject to the direct control of the general staff. There will be a general transport department from the bases to the theatre of war, constituted of officers and men drawn from the transport service. There will be a telegraph department staffed from the telegraph service, and a hospital department staffed from the medical service. These special departments, which are separate from the army corps, correspond to the separate departments under the direct control of the Government of India.

In India there is a general administrative corps, called the Indian Civil Service, which corresponds to the corps of officers in an army, who do not belong to any of the technical services. The I.C.S. is recruited in England and is open to all British subjects, but consists for the most part of Europeans. From this corps officers are posted at the commencement of their service to the various provincial governments, and a few of them may afterwards be drawn from their province into the departments of the Government of India or may become members of the Governor-General's council. Subject to their direction are a much larger number

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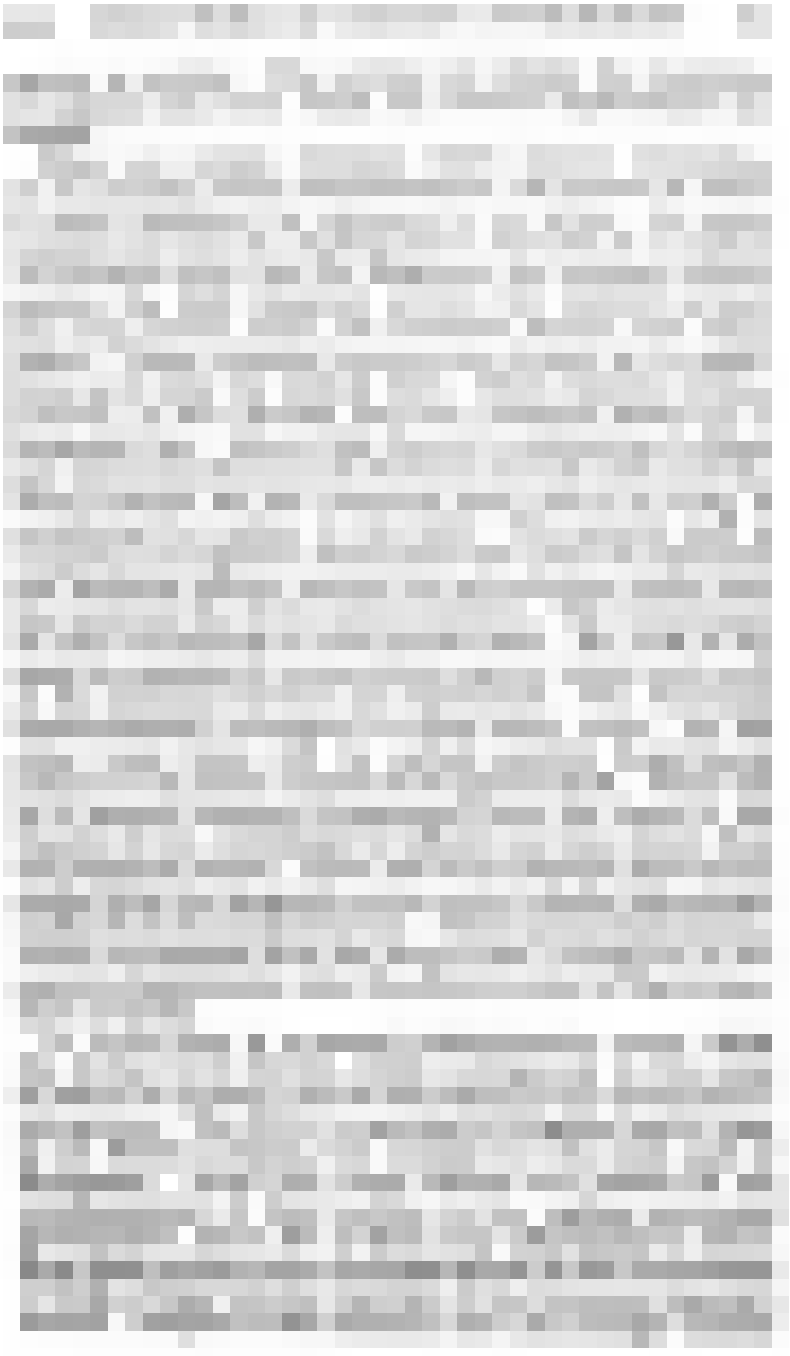

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The point, however, which it is here desired to emphasize is this, that the officers in each imperial service are freely transferable between departments controlled by the governments of the provinces and those controlled by the Government of India, and occasionally between provinces. This, as noted on a previous page, is a thing which could not possibly happen in countries like the United States of America, Canada, and Australia or South Africa. The services of the Canadian Government, for instance, are just as distinct from those of Ontario or Quebec as they are from those of the Australian Government. It is partly this fact, that the Government of India controls all the services or reservoirs from which its officers are drawn, which enables it to control every detail of Indian administration.

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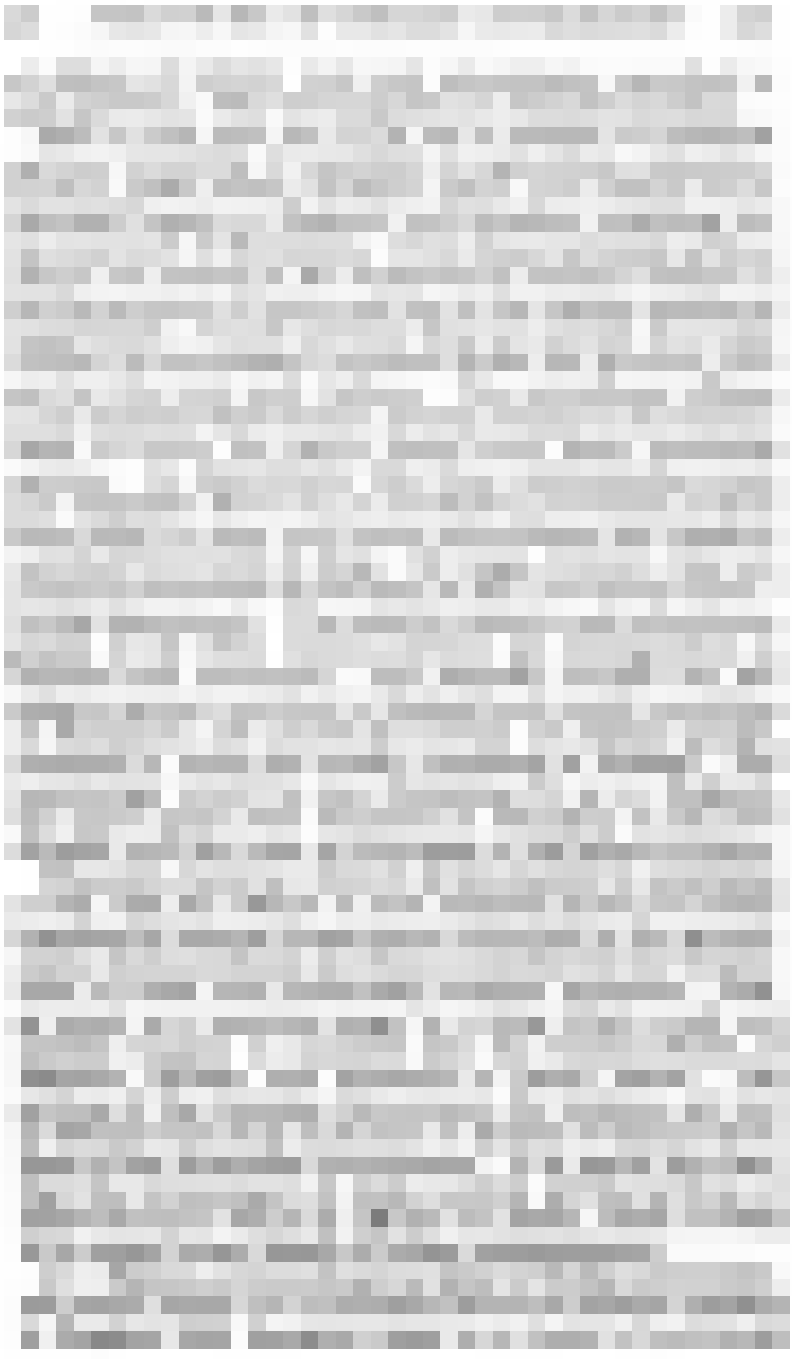

administration in which their agent, the Government of India, might not at any moment interfere. A case in point was the question whether the lavatory of a mosque at Cawnpore should not be removed to make way for a road which was actually under the supervision of the municipality of Cawnpore. In this case the question having occasioned an agitation beyond the limits of the province the Governor-General came to Cawnpore and settled the point at issue in person. The case, however, is an extreme one.

Orders issued from Delhi and Simla to provincial governments are orders of the Government of India; but it does not follow that they have come before the Governor-General-in-Council. On routine matters the orders will be issued by an under secretary or assistant secretary. Others he will pass on to the secretary, who will decide some of them, referring the rest to his member of council. Most of the important cases are, in fact, decided by the member of council. A few of the more anxious questions the member will refer to the Governor-General. Such cases may then be decided by the Governor-General, or else referred to the whole executive council. In practice a provincial government can usually insist that a case, however small, shall be referred to the Governor-General-in-Council for decision. A provincial government cannot be censured without the matter coming before the council; and the council itself must decide any dispute as to orders which may arise between two of its own members.

From time to time the principles underlying decisions made by the Government of India are embodied in permanent regulations intended to govern all similar cases in the future. Decisions, in fact, are treated like the verdicts of courts, and are crystallized into codes of administrative case law based on established principles. This, as a rule, is only done when a number of similar cases have been referred to the Government of India for orders. One object of this practice is to make administrative principles intelligible to a host of subordinate officers scattered throughout India. Another object is to enable provincial governments to dispose of as many cases as possible in accordance with codified precedent, and without reference to the Government of India. But in some cases, notably that of the Public Works Department, the rules have grown so numerous and complex that Provincial departments have constantly to appeal to the Government of India to interpret them, and so the means defeat the end.

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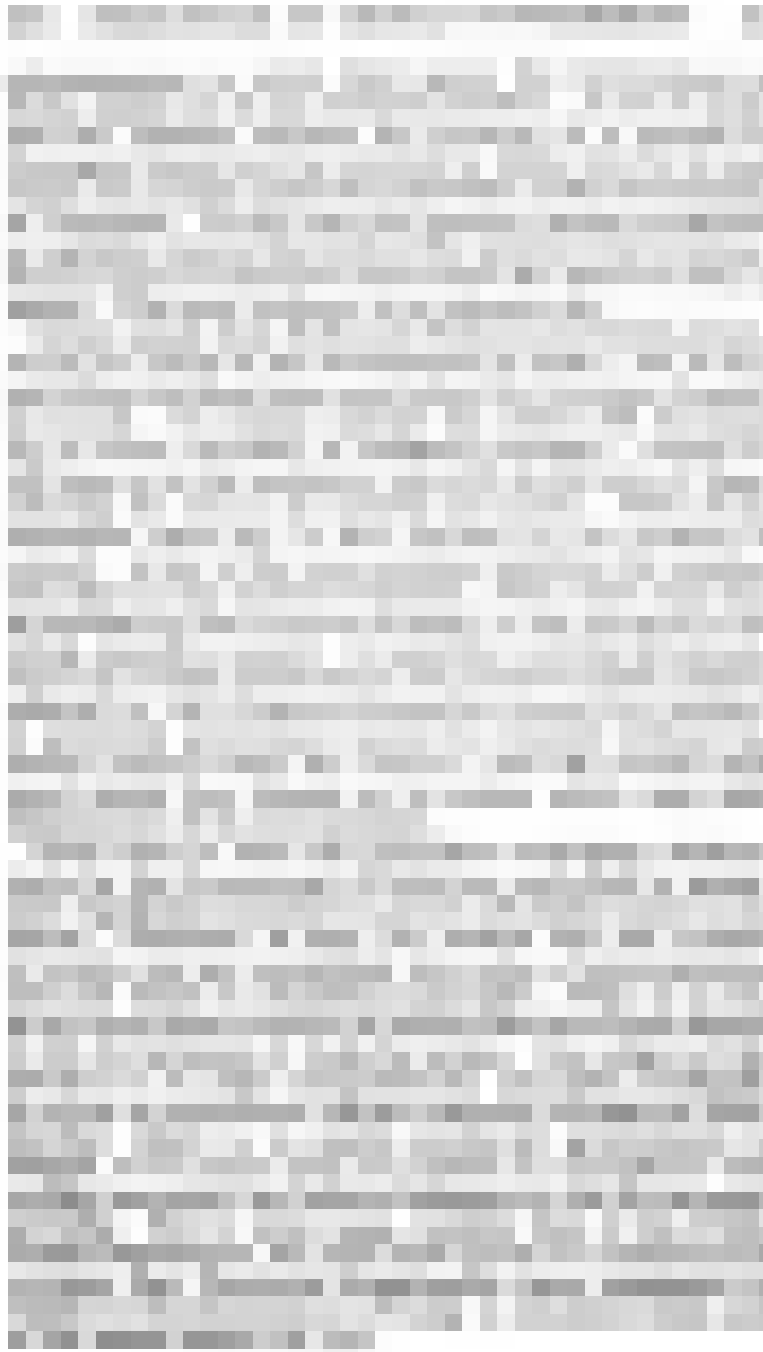

§ 8. We have now seen how the various functions of government are assigned to the various departments, national and provincial, how the latter are controlled by the former, and how these numerous departments are staffed. We have next to inquire how the cost of the administration is defrayed.

The revenues of India can be separated into two classes. First there are those derived from India as a whole, which cannot be located to any particular province. To this class belong the revenues from

Opium.	Posts and Telegraphs.
Salt.	The Mint.
Customs.	Railways.

Secondly come revenues, the production of which can be located to one or other of the provinces. To this category belongs the revenue produced by

Land.	Ports and Pilotage.
Provincial Rates.	Education.
Stamps (on Legal Documents).	Medical Departments.
Excise.	Agricultural Departments.
Assessed Taxes.	Scientific and Miscellaneous Departments.
Forests.	Superannuation Receipts.
Registration.	Stationery and Printing.
Interest on Local Loans.	Miscellaneous.
Courts of Law.	Major Irrigation Works.
Jails.	Minor Irrigation Works.
Police.	Civil Works.

The taxes, by which some of these revenues are raised, are imposed by measures framed by the Government of India and passed by the Legislative Council of the Governor-General. There are certain exceptions to this rule, e. g. the excise laws and provincial rates. Their terms are approved in detail by the Government of India, but they are passed by the legislative councils of the provinces. A provincial government may not impose taxation or make any fundamental change in an existing revenue system without the previous sanction of the Government of India.

On the other hand nearly all the revenues yielded by taxation, and some others, like those from opium and irrigation, are collected by the provincial governments for the Government of India and under its supervision.

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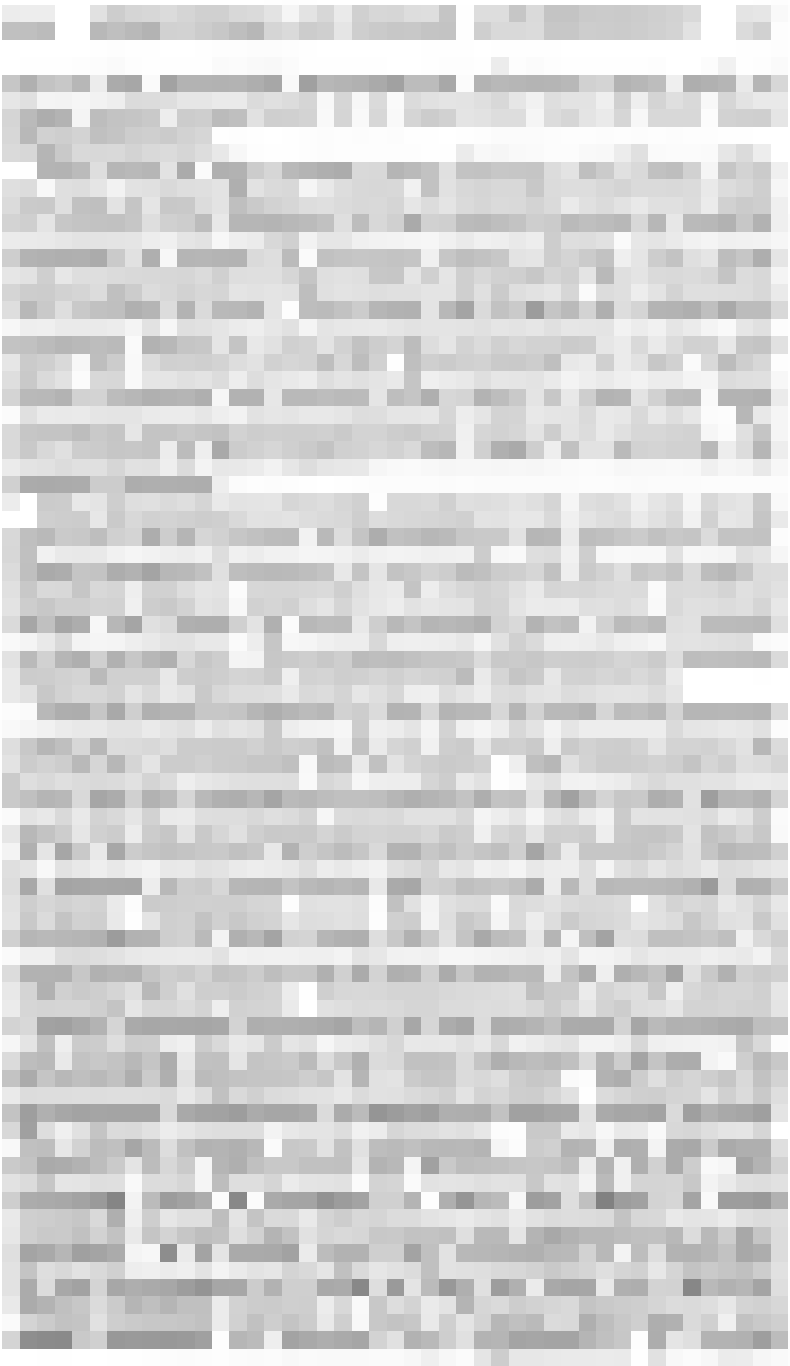
out to the provincial governments whatever sums each of them could wring from it to meet the cost of their local administrations.

The evils of this system were obvious, and from 1870, the time of Lord Mayo, a series of attempts have been made to remedy it by assigning to the various provinces definite revenues or shares of revenues raised within their areas and proportioned to their needs as gauged by the experience of a number of years. The result was a series of complicated contracts made by the Imperial Government on one side with the several provincial governments on the other. These contracts are revised from time to time and their character becomes more permanent with each revision. For the purpose of this inquiry it will suffice to deal with the present position.

The Government of India retains for its own use all the revenues which cannot be allocated to any provincial area. These revenues, however, do not suffice for its needs and it therefore takes a proportion of certain revenues produced within the limits of each provincial area, which appear on the second list. The arrangements differ and are therefore embodied in separate contracts with each province.

But the money supplied by the share in their local revenues reserved to the provinces is not the only money which the provincial government has to spend. The Government of India has also contracted to contribute a share of the money spent by the provincial government on some departments. As the Government of India takes half the revenue yielded by stamps, so it contributes half the cost of collecting that revenue. Sometimes, as in the case of opium, where the Government of India takes the whole of the revenue, it contributes to the provincial government the whole cost of collecting the revenue. In at least one other case it entrusts a purely spending department to the provincial government and furnishes the whole cost from Imperial revenues. The Ecclesiastical Department is a case in point. The provincial government administers ecclesiastical affairs within its area. The charges appear on its estimates. They are defrayed, however, by a grant from the Government of India. The following table is designed to show the effect of these contracts on each item of revenue and expenditure in each province. It is based upon the schedules to a resolution of the Government of India of July 24, 1916, No. 361-E.A. Those schedules contain a mass of detail referring to very small amounts of revenue and expenditure in various



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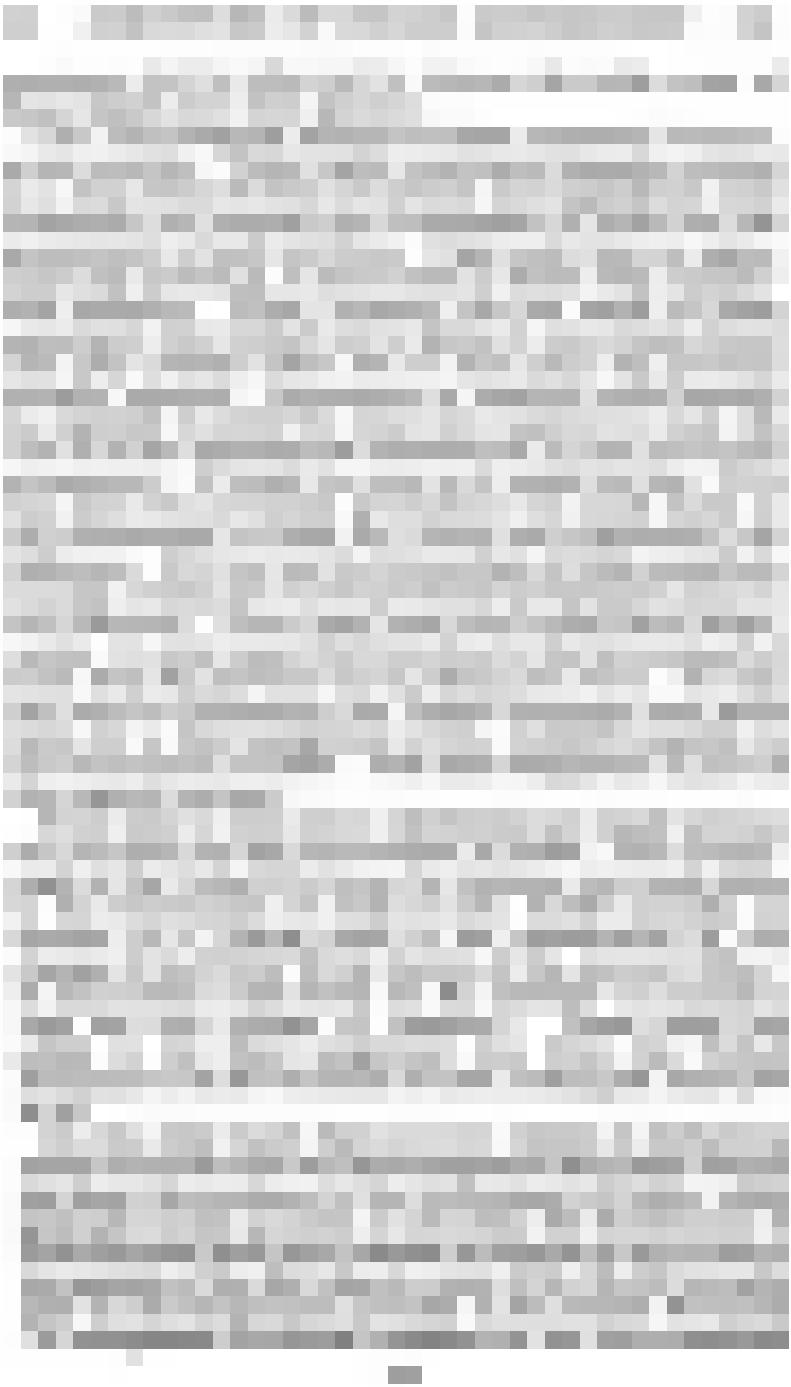
§ 10. The foregoing account of these contracts, however, is not complete. These highly complicated bargains relating to a long series of items of revenue and expenditure were hammered out between the Government of India and the governments of each province. Upon each item an agreement was arrived at, in some cases no doubt with considerable difficulty. When, however, the net result of these agreements was worked out in figures it was always found that they yielded either less or more than the province actually required. Agreements so detailed could scarcely be expected to yield the exact sum required to meet the cost of all the departments administered by each provincial government. It might be more or it might be less. If it was more the provincial government was made liable to the Government of India for a lump sum representing the difference. If it was less the Government of India undertook to grant a lump sum to the provincial government equal to the difference. These lump sums were called fixed assignments. In some cases they were due to the Government of India from the province and in others vice versa. To take one case for illustration, the United Provinces were made liable for a fixed assignment of Rs. 15,38,000 payable to the Government of India. This fixed assignment is part of the original contract.

From time to time minor adjustments are made between the province and the Government of India. The Government of the United Provinces, for instance, was made liable to the Government of India for Rs. 67,000 annually on account of a 'charge made in the classification of the charges of the Public Works Section of the Account Office'. It was further made liable for Rs. 4,30,000 'in connexion with the new scheme of taxation'. These sums are added to the fixed assignment due from the United Provinces to the Government of India, making Rs. 20,35,000 in all.

On the other hand there are two classes of deductions which are made from the fixed assignment and other charges due from the province to the Government of India, which gradually mount up until, on the total, the Government of India becomes liable for a transfer of revenue to the province. An example of the first class is a sum of Rs. 36,000 annually paid by the Government of India to the United Provinces 'to compensate Provincial revenues for the loss occasioned



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		Proportion of Revenue retained by the Province.	*Grant-in-aid of expenditure from Govt. of India.*	*Proportion of Revenue retained by the Province.*	*Grant-in-aid of expenditure from Govt. of India.*	*Proportion of Revenue retained by the Province.*	*Grant-in-aid of expenditure from Govt. of India.*	*Proportion of Revenue retained by the Province.*	*Grant-in-aid of expenditure from Govt. of India.*	*Proportion of Revenue retained by the Province.*	*Grant-in-aid of expenditure from Govt. of India.*	*Proportion of Revenue retained by the Province.*	*Grant-in-aid of expenditure from Govt. of India.*	*Proportion of Revenue retained by the Province.*	*Grant-in-aid of expenditure from Govt. of India.*	*Proportion of Revenue retained by the Province.*	*Grant-in-aid of expenditure from Govt. of India.*	*Proportion of Revenue retained by the Province.*	*Grant-in-aid of expenditure from Govt. of India.*
1	Land Revenue . . .	1/22	:	:	:	1/22	:	1/22	:	1/22	:	1/22	:	1/22	:	1/22	:	1/22	:
2	Opium . . .	:	1	:	1	:	1	:	1	:	1	:	1	:	1	:	1	:	1
3	Customs . . .	1	:	1	:	1	:	1	:	1	:	1	:	1	:	1	:	1	:
4	Stamps . . .	1/22	:	1/22	:	1/22	:	1/22	:	1/22	:	1/22	:	1/22	:	1/22	:	1/22	:
5	Excise . . .	1	:	1	:	1	:	1	:	1	:	1	:	1	:	1	:	1	:
6	Provincial Rates . .	1/22	:	1/22	:	1/22	:	1/22	:	1/22	:	1/22	:	1/22	:	1/22	:	1/22	:
7	Assessed Taxes . .	1/22	:	1/22	:	1/22	:	1/22	:	1/22	:	1/22	:	1/22	:	1/22	:	1/22	:
8	Forests . . .	1	:	1	:	1	:	1	:	1	:	1	:	1	:	1	:	1	:
9	Registration . . .	1	:	1	:	1	:	1	:	1	:	1	:	1	:	1	:	1	:
10	Interest—																		
	(i) On Provincial Loans and Advances .	1	:	1	:	1	:	1	:	1	:	1	:	1	:	1	:	1	:
	(ii) On Government Securities . . .	1	:	1	:	1	:	1	:	1	:	1	:	1	:	1	:	1	:
	(iii) *a.* Miscellaneous .	:	:	:	:	1	:	:	:	:	:	:	:	:	:	:	:	1	:
	b. The items classified as Provincial in the United Provinces in 1907 8, and in Burma in 1906–7 . .											1	:						
11	General Administration, except—	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
	(i) Currency Department.																		
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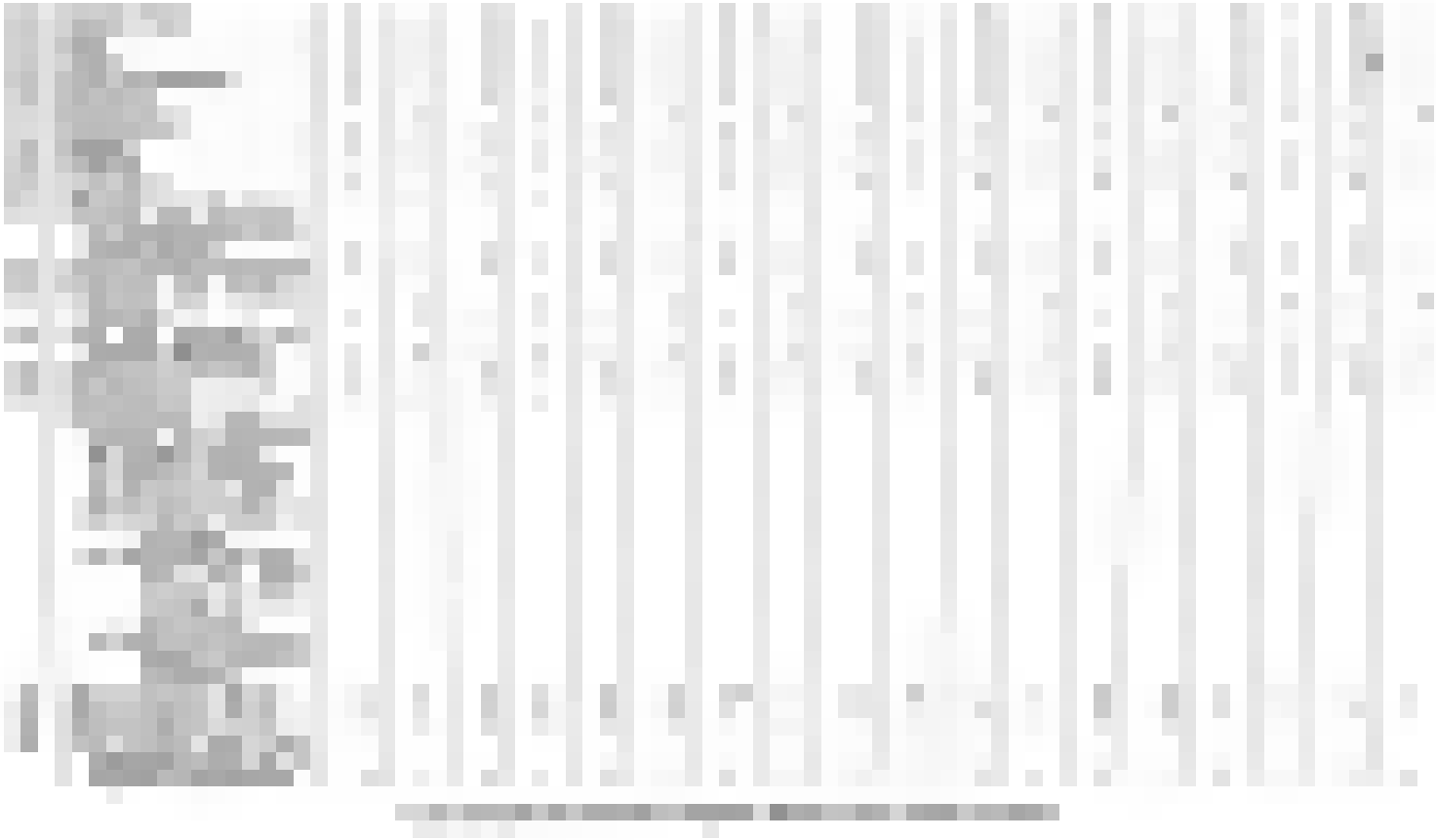
	(i) On Provincial Loans and Advances . .	1		1		1		1		1		1		1		1		1	
	(ii) On Government Securities . . .	1		1		1		1		1		1		1		1		1	
	(iii) a. Miscellaneous . . .					1													
	b. The items classified as Provincial in the United Provinces in 1907-8, and in Burma in 1906-7 . . .							1				1							
11	General Administration, except—																		
	(i) Currency Department.																		
	(ii) Reserve Treasury.																		
	(iii) Allowance to Presidency Banks.																		

12	Courts of Law . .	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..
13	Jails	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..
14	Police	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..
15	Ports and Pilotage . .	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..
16	Education . . .	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..
17	Ecclesiastical . .	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1
18	Medical . . .	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..
19	Political . . .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
20	Agriculture . . .	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..
21	Scientific and Miscellaneous Departments, not including Census . .	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..
22	Superannuation allowances	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..
23	Territorial and Political Pensions . . .	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1
24	Civil and furlough and absentee allowances .	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1
25	Stationery and Printing .	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..
26	Miscellaneous. . .	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..
	Extraordinary items of revenue not exceeding Rs. 10,000, except— (i) Gains by exchange. (ii) Premium on Bills. (iii) Unclaimed titles of exchange. (iv) Recoveries of Insurance and other charges on European Stores. (v) Value of old Currency Notes no longer in circulation.																		
27	Major Irrigation Works .	½	½	½	½	½	½	1*	..	½	½	..	..	½	½	..	..	..	..
28	Minor Irrigation Works .	1	..	½	½	½	½	1	..	1	..	1	..	½	½	1	..	1	..
29	Civil Works other than buildings for the use of Imperial Departments	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..

* Less receipts for Protective Irrigation Works in the United Provinces.



12	Courts of Law . .	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..
13	Jails	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..
14	Police	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..
15	Ports and Pilotage . .	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..
16	Education . . .	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..
17	Ecclesiastical . .	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1
18	Medical . . .	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..
19	Political . . .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
20	Agriculture . . .	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..
21	Scientific and Miscellaneous Departments, not including Census . .	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..
22	Superannuation allowances	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..
23	Territorial and Political Pensions . . .	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1
24	Civil and furlough and absentee allowances .	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1
25	Stationery and Printing .	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..
26	Miscellaneous. . .	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..
	Extraordinary items of revenue not exceeding Rs. 10,000, except— (i) Gains by exchange. (ii) Premium on Bills. (iii) Unclaimed titles of exchange. (iv) Recoveries of Insurance and other charges on European Stores. (v) Value of old Currency Notes no longer in circulation.																		
27	Major Irrigation Works .	½	½	½	½	½	½	1*	..	½	½	..	..	½	½	..	..	..	..
28	Minor Irrigation Works .	1	..	½	½	½	½	1	..	1	..	1	..	½	½	1	..	1	..
29	Civil Works other than buildings for the use of Imperial Departments	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..	1	..

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§ 11. The second class of deductions in favour of the province are far more important. From time to time the Government of India, finding it has revenues to spare, agrees to make an annual contribution to the province in aid of some particular purpose like education, irrigation, sanitation, or police. These contributions are often referred to as doles.

In the United Provinces the sums due to the provincial government under these two classes have now mounted up to no less than Rs. 63,22,000, thereby wiping out the Rs. 20,35,000 due from the province and leaving a sum of Rs. 42,87,000 due to the province from the Government of India. On the estimates of the United Provinces this sum is correctly described as 'Transfers between Imperial and Provincial revenues and receipts '.

A similar item appears in the estimates of all the other provinces. Even where, as in the United Provinces, the original fixed assignment was a sum due from the province to the Government of India, the accretion of recurring doles from the Government of India has wiped it out and has established a net balance in favour of the province.

It would not be necessary to weary the reader with all this detail if it were not that the term 'fixed assignment' has been transferred to the balance which now in every case is in favour of the province. A Resolution of the Government of India, dated May 18, 1912, No. 27-F. speaks of 'the desirability of converting overgrown fixed assignments into shares of growing revenue'. The so-called 'fixed assignment' grows with every new dole meted out by the Government of India to the provinces. The idea is to reduce this lump sum from time to time and to make a corresponding increase in the provincial share of one of the divided revenues. The settlements cannot, therefore, be regarded as final, and are justly described as quasi-permanent.

§ 12. The money spent on the various departments administered by provincial governments is thus drawn from three sources—

(1) The whole or a portion of various items of revenue produced within the area of each province.

(2) Subsidies from the Government of India calculated to meet the whole or a certain proportion of the cost

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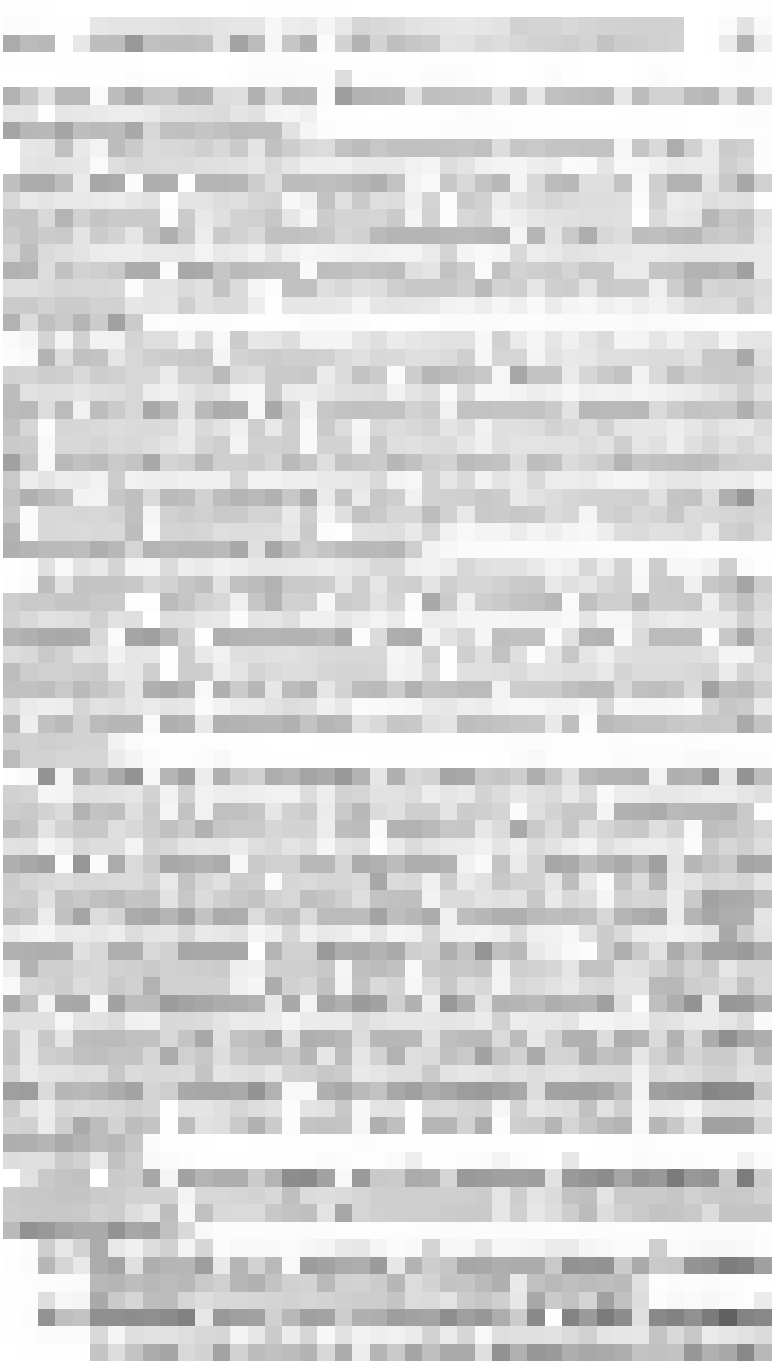

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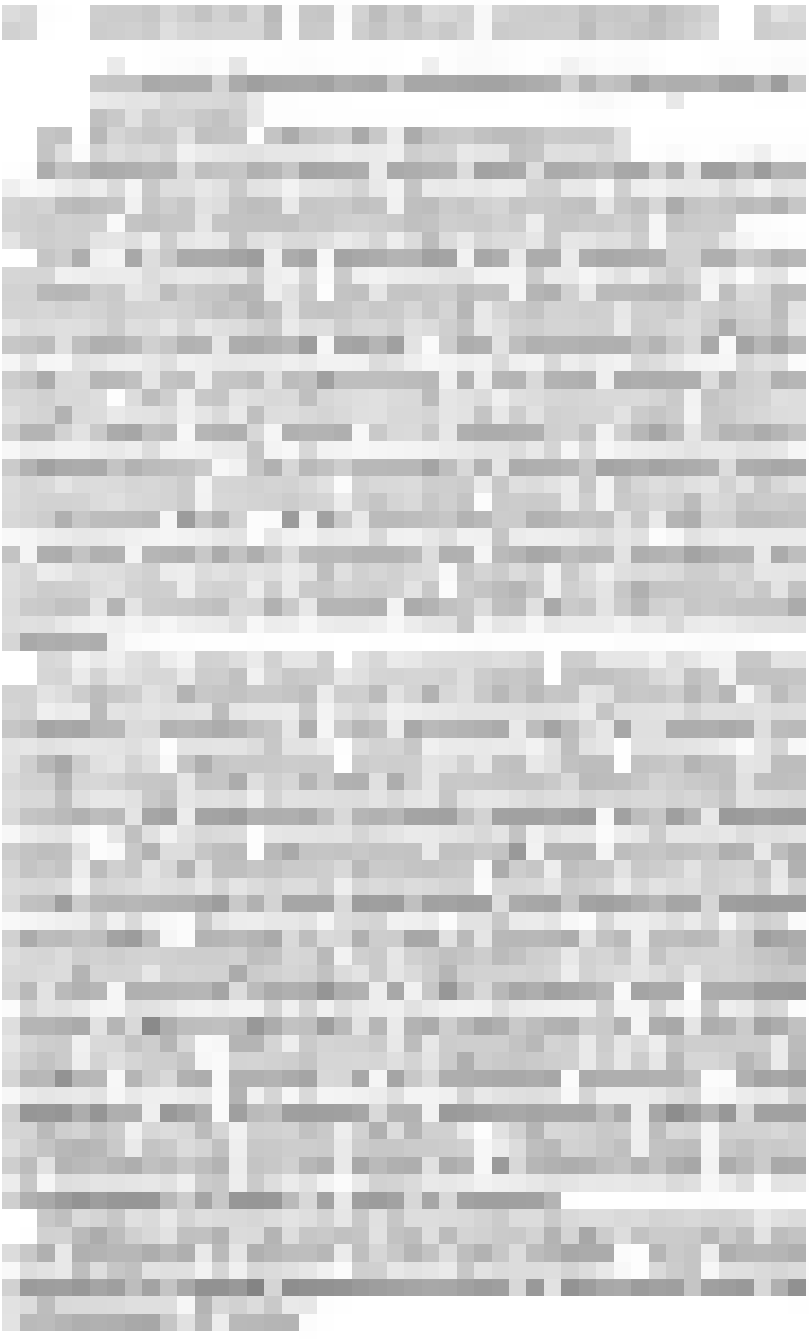
(3) A lump sum, called the fixed assignment.

In addition to the money which each province is entitled to expect from these sources there is always the provincial balance, which represents savings from previous years.

§ 13. In framing his estimates for the coming year the Financial Secretary of the province first submits to the Government of India estimates both of income and expenditure under the various heads. The Government of India then fixes the total expenditure in the first edition of the budget. But the province sends up a second and third or final edition upon which it is entitled to make further representations. The Government of India frequently alters the provincial estimates, especially those of income, before it sanctions them. If the provincial balance is well above a certain prescribed minimum the Financial Secretary for the province may be allowed to budget for expenditure in excess of revenue, the deficit being met from the provincial balance.

If, on the other hand, the provincial balance has fallen to a figure dangerously near the minimum prescribed, the Financial Secretary of the province may be ordered to budget for expenditure which is less than revenue, the surplus being used to fortify the provincial balance and raise it above the prescribed minimum regarded as the danger point. The total expenditure having been authorized on these lines the Financial Secretary then sees how much of it can be allotted to each department, and frames his budget accordingly. Except in the case of famine, for which there are special arrangements, his expenditure must be bounded by the revenues specified in the contracts, and brought within a figure prescribed to him each year by the Government of India. The growth of expenditure in a province is limited by the growth of its scheduled revenues. Their expansion may be fostered by administrative wisdom and foresight and by careful collection. Otherwise they cannot be increased and no new taxes can be added except by the Government of India, or with its consent.

Finally it must be noted that provincial governments are not permitted to borrow on the open market. Any monies required for capital expenditure must be borrowed from the Government of India.



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(*b*) THE GOVERNMENT OF THE UNITED PROVINCES

§ 14. The provincial governments while differing in details have all been constructed on a common plan. It will be best, therefore, to describe one of them, leaving the reader who desires to pursue the subject farther to discover for himself how far the other provinces differ from the one selected for description. For this purpose we propose to take the United Provinces of Agra and Oudh. It is true of course that this province is still governed by a single official, and not like one of the older Presidencies by a Governor-in-Council. This, however, is something of an accident, for a measure has actually been framed and submitted to Parliament for assimilating the Government of the United Provinces to those of the Presidencies. The fact that no council has yet been established in the United Provinces is merely due to the circumstance that the measure in question was blocked by the House of Lords.

In passing it is necessary to note that the Lieutenant-Governor controls the relations of his province with the native states of Tehri, Rampur, and Benares, for the reason that these states are surrounded by the territories of the province, or in close proximity thereto.

The United Provinces has a population of about 48,000,000, the largest of any province in India, larger than that of the British Isles. Socially it is the most central of all the provinces and also the most complex. It is, as Sir Alfred Lyall called it, the heart of India.

§ 15. In the cold weather the Lieutenant-Governor divides his time between Allahabad and Lucknow, the capital of Oudh, and on tours in his province. In the hot weather he moves with his principal officers to the hill station of Naini Tal.

§ 16. In matters of 'revenue' the Lieutenant-Governor is assisted by the Board of Revenue. A word of warning must here be uttered for the benefit of the unwary. Our able and scholarly countrymen who rule India relieve the monotony of their lives by devising verbal booby-traps for their visitors. One is the letter 'a'. The moment he enters India, the modern Herodotus puts his foot straight into it. This particular snare was devised by the ingenuity of a great civilian. Sir William Hunter observed that in English the letter 'a' is sometimes pronounced as if it was 'ur' as at the end of Canada. Ignoring the fact that it never has

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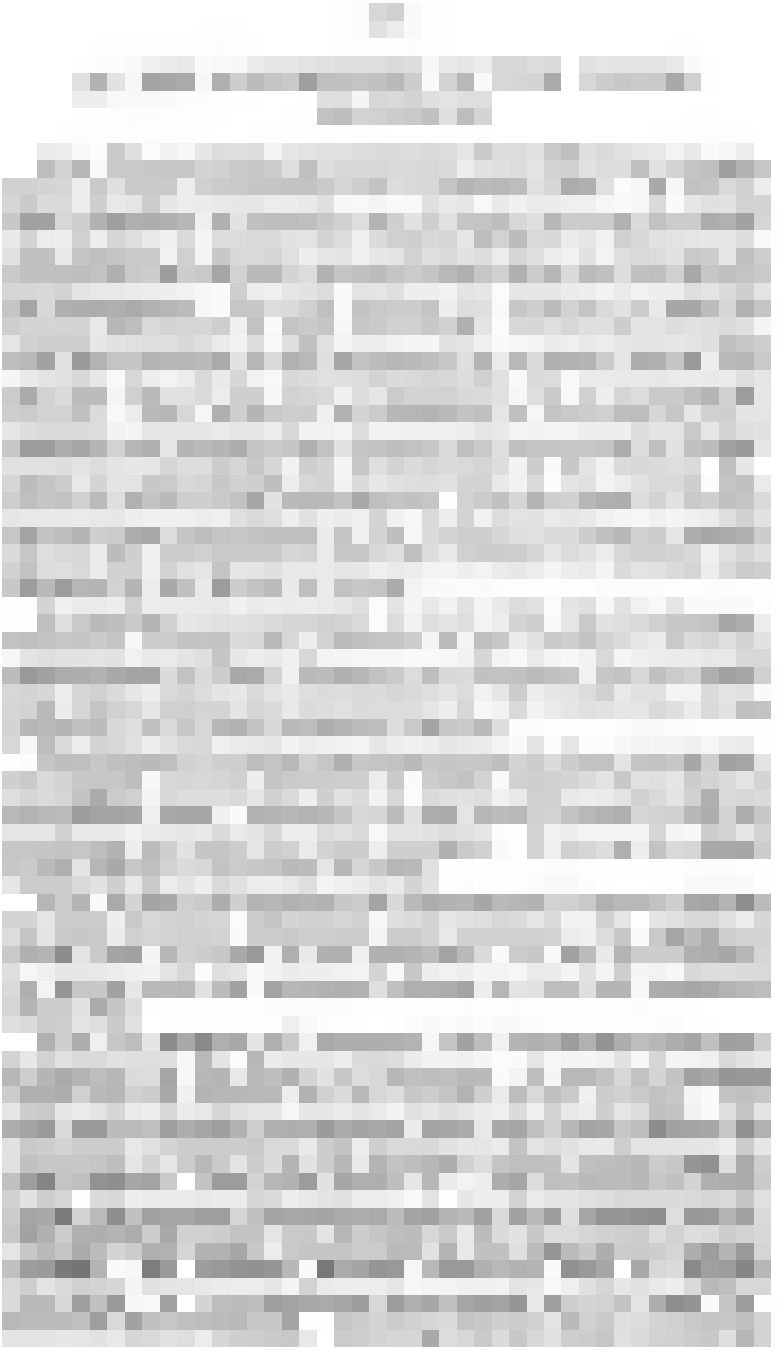

this value when followed by a consonant, he induced the Government of India to ordain that in Indian names the first vowel of our alphabet should have the value usually given by English throats to the last. Thus the places pronounced Ulwar and Umbala, and formerly so spelt, are, by edict of the Government of India, spelt Alwar and Ambala, though their nerve failed them when they came to the case of the arsenal which is still spelt and pronounced Dum-Dum. Otherwise the map of India is strewn with shibboleths whereby dwellers from over the water bewray themselves the moment their lips attempt to pronounce the letter 'a'.

The commonest form this habit takes is that of giving to simple words like 'revenue' specialized meanings they nowhere else possess; though this, to speak seriously, is due to history rather than to a latent sense of humour in that most solemn of British creations, the Government of India. The foundations of British dominion were laid when Clive acquired for the East India Company the right to collect the revenues of Bengal, Behar, and Orissa. Collectors were appointed for the purpose, but experience proved that in order to collect revenue it was also necessary to provide for the welfare of the people and the development of the sources from which revenue was derived. The mere collection of the revenues soon became automatic and gave the collectors no trouble. On the other hand his duties connected with agrarian administration steadily developed. 'A good revenue officer' in Indian administrative parlance is one who knows the agricultural conditions of his district, sees to the prompt and efficient disposal of cases of an agrarian nature, keeps his land records accurately posted and up-to-date, and takes steps to minimize and prevent famine, as well as to collect the revenue. When an Indian civilian speaks of 'revenue' he means least and last anything which Dr. Johnson would have laid to the account of that word. In Anglo-Indian parlance it denotes agrarian and general administration.

§ 17. The revenue, financial and judicial, branches are three aspects which together compose the administrative unity of provincial government. The Board of Revenue is responsible through the Chief Secretary to the Lieutenant-Governor for the first of these branches. It exercises a general control over commissioners, collectors, and their subordinates. It acts as the appellate court for rent and revenue. It manages government estates; and, as Court of

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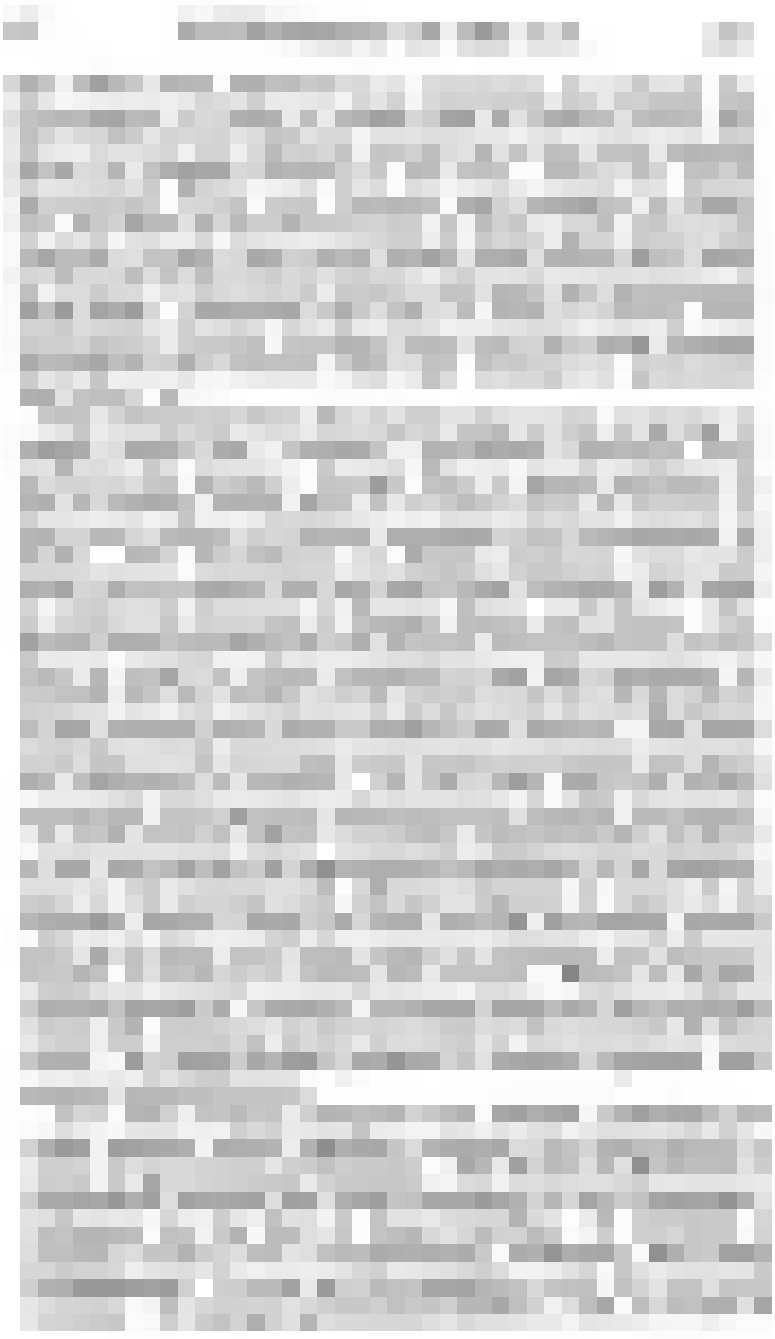


Wards, is the biggest zamindar in the Province. It is chief revenue authority for excise, and deals with opium and other taxes. In pursuance of these duties the Board tours the province, and inspects its offices and buildings. By the rural masses it is viewed with almost the same regard as the government, and, in the absence of the Lieutenant-Governor from the province, its senior member would ordinarily expect to act in his place, unless some one else is specially appointed by the Government of India.

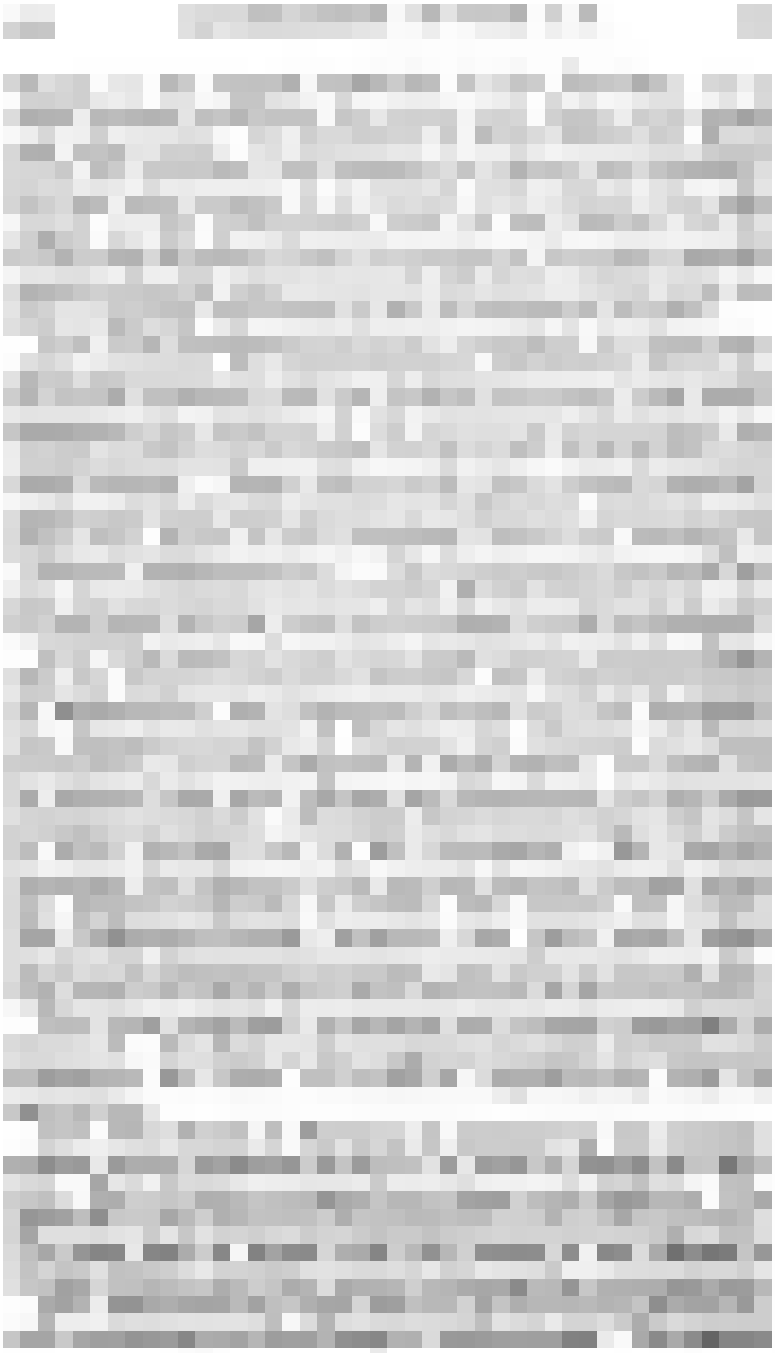
§ 18. The Lieutenant-Governor is assisted by three principal secretaries, the Chief Secretary, referred to above, the Financial Secretary, and the Judicial Secretary, over whose signatures the decisions of the provincial government are usually notified to the heads of executive departments and other officials. These officers with their central establishments and their head-quarters at Allahabad, Lucknow, and Naini Tal, figure in the estimates under the heading of 'General Administration'. The Lieutenant-Governor has also two secretaries in the Public Works Department—one for irrigation and the other for buildings, roads and railways.

§ 19. The heads of executive departments include officers like the Inspector-General of Police, the Inspector-General of Registration, the Inspector-General of Civil Hospitals, the Inspector-General of Prisons, the Director of Public Instruction, and the Director of Agriculture. It must not be inferred that such officers are subordinate to the three principal secretaries. Normally their instructions will come to them through one of the secretaries. The Judicial Secretary, for instance, is the normal channel through which the Inspector-General of Police will receive his orders. The Inspector-General, however, can refer those orders back to the Lieutenant-Governor, can write to him, see him, and obtain his orders direct from the head of the Government.

The three principal secretaries are always members of the I.C.S. So often is the Inspector-General of Police and sometimes the head of technical departments, such as agriculture.

§ 20. The Board of Revenue is assisted by ten commissioners, senior members of the I.C.S. each in charge of a division. Each division contains from three to six districts. The districts are the essential administrative units of the province. We must deal at length with the duties of the officers in charge of them, and then return to discuss the commissioners.

§ 21. There are forty-eight districts in the United Provinces, each containing on the average a million souls. The district



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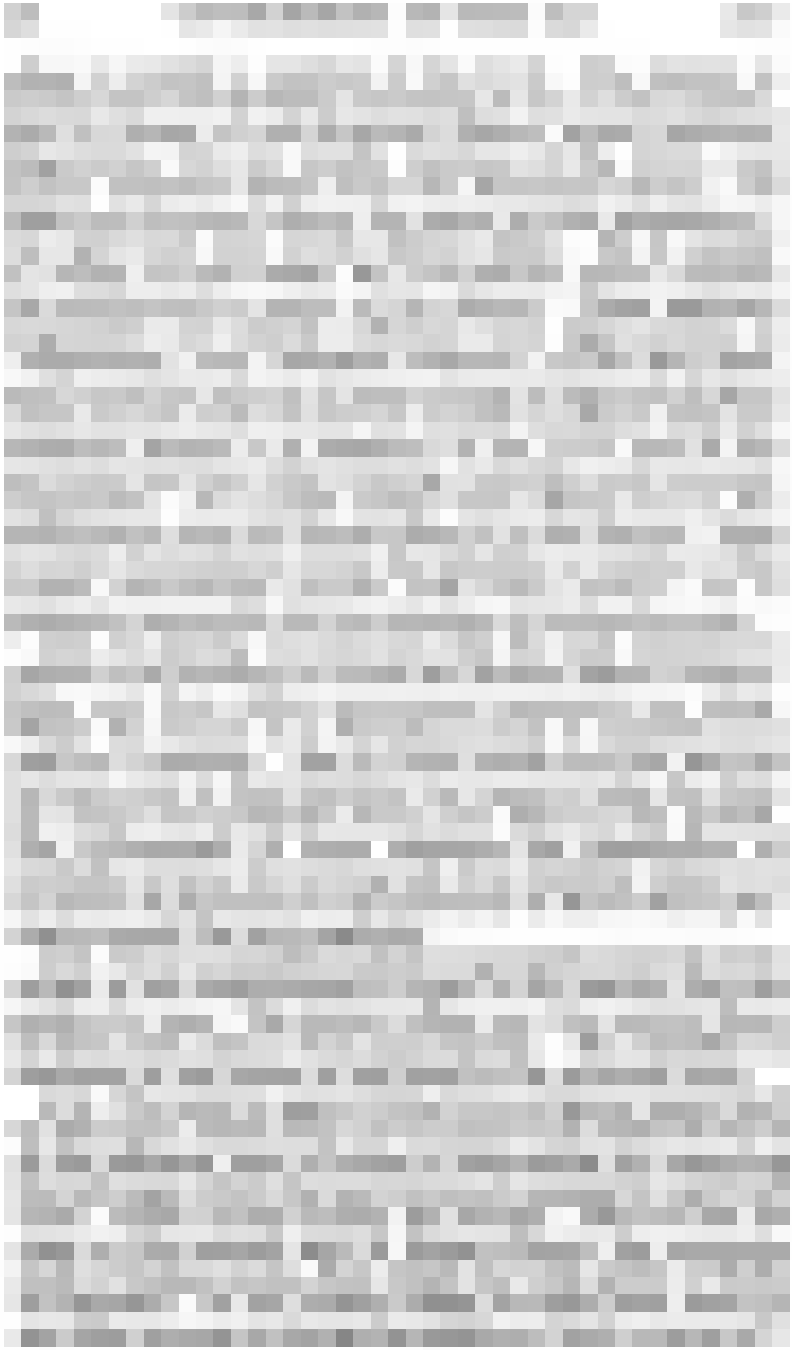
§ 22. In passing we may note that the cash collected is placed in the treasury for which the district officer is responsible, and from which government payments are made. Where the branch of a Presidency bank is available it is used as a treasury. But in India banks are few and far between, and in most districts the treasury takes the form of a huge and primitive strong box fixed in the ground. The Government of India regulates the distribution of available revenue by moving cash from districts where it is in excess of payments to the treasuries of those where payments exceed the cash available.

§ 23. So far as possible tahsils are grouped round the town chosen as the administrative centre of the district, like the petals of a rose. The district officer can thus control them all from that centre with equal facility. The tahsildar is stationed in the centre of the tahsil at its principal town.

§ 24. The tahsil is again divided into parganas, supervised by kanungos, whose duty it is to inspect and verify the work of the patwaris, each of whom is responsible for compiling the data upon which the land revenue is assessed in a patwari circle. These circles include the villages. Here at last we come to the natural unit of Indian society, the corpuscle made of human atoms, from which the body politic of India is composed. Of the Indian village we shall have more to say when we come to discuss the question of land revenue in V.



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§ 25. This district organization is roughly comparable to a regiment of which the district officer is a colonel, and his officers the assistant magistrates and deputy collectors. Of these the joint magistrate is a kind of adjutant. The tahsildars are the sergeants and the kanungos the corporals.

§ 26. It must throughout be realized that the district officer combines in his person the judicial office of magistrate, in which capacity he is head of the police, with the administrative functions of collector. Very many years ago, the two offices were separated, but the arrangement was found unsatisfactory in practice. The appointment of a joint magistrate was originally an attempt to meet the difficulty, but the compromise was illogical and that officer is now merely *primus inter pares*. He and his colleagues, the assistant magistrates and deputy collectors, are each to their sub-divisions what the district officer is to his district. Like him they combine judicial with administrative functions; and so also does the tahsildar. The joint magistrate as an embryo collector is better educated than his colleagues and as such is entrusted with the more troublesome cases. But the name of his office is merely the echo down the corridors of time of a well-intentioned failure.

§ 27. This arrangement by which administrative officers controlling the police discharge judicial functions dates from 1843. It was made after forty years' experiment and was largely dictated by economy. Though contrary to British theory and practice it has practical advantages. In the past it has enabled district magistrates with their command of independent sources of information to prevent much police oppression that might otherwise have flourished, and, as in many other departments, to turn the hose of common sense on to some pet project of departmentalism. It is not so necessary now that a much better stamp of officer is entering the police department, and government has larger revenues at its disposal.

§ 28. The duties of district officer may now be summarized as follows: as the officers responsible for public security he and his subordinates control the police. As magistrates they decide criminal cases.

As the collector responsible for land revenue he and his subordinates control agrarian and general administration, and decide 'revenue' cases, i.e., those arising from the laws governing the relations of landlord and tenant.

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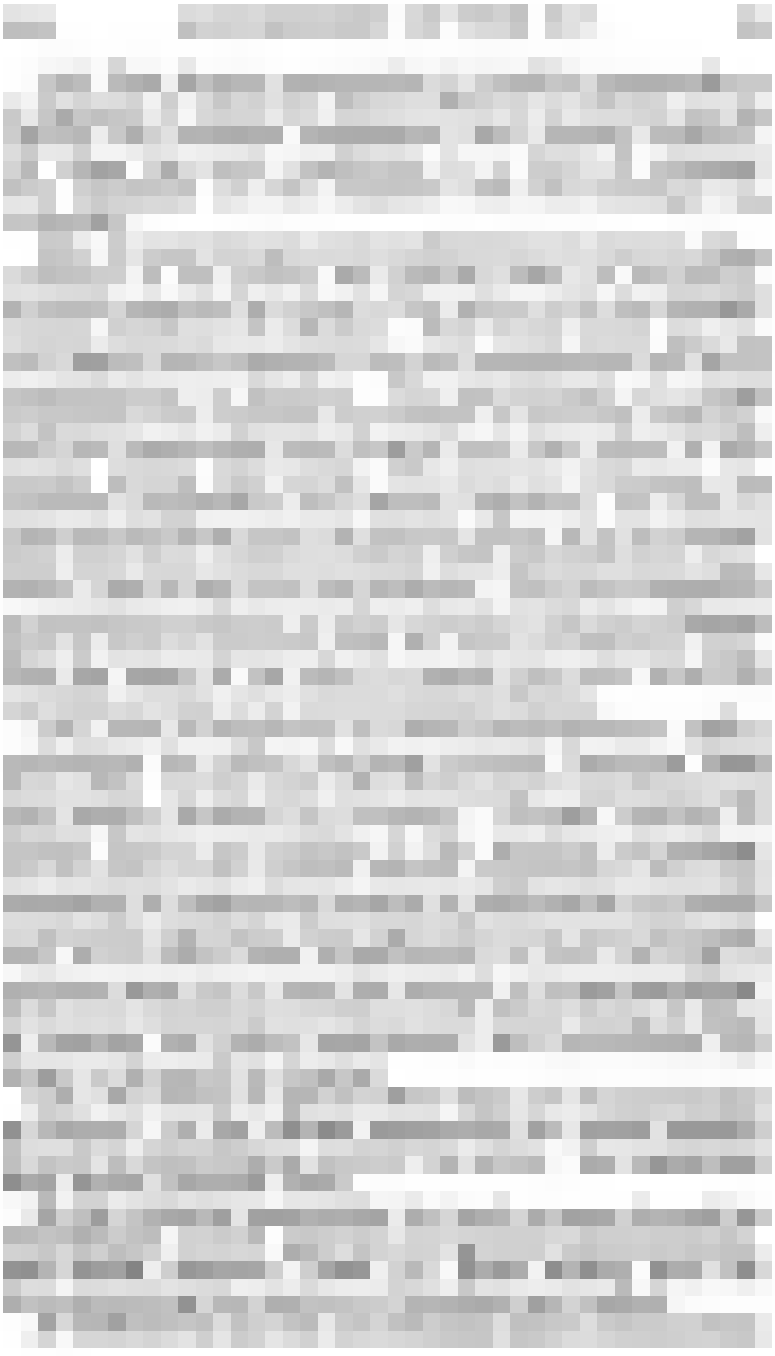

other sources, such as excise stamps, income tax, and rents from government properties. As magistrates they decide cases arising out of the violation of laws relating to those subjects.

For reasons of economy they are the residuary legatees of all functions for which no other provision has been made. In this capacity the collector and his subordinates deal with local self-government, the Court of Wards, trust properties, and government estates.

§ 29. Let us deal first with public security. The superintendent of police is in theory the district officer's assistant, and many of his orders require the district officer's sanction. He can prevent the police from bringing a case into court; but when once it has come into court it can only be withdrawn with the sanction of the legal remembrancer of the provincial government. The district and sub-divisional officers can all take action to forestall disorder by binding suspicious characters over to be of good behaviour.

Trials for more serious offences are held exclusively in the courts of magistrates of the first class. In the most serious cases they have to commit for trial before the Court of Sessions, which exercises the functions of both the quarter sessions and the assizes in England. If a first class magistrate convicts there is an appeal to the sessions judge, a purely judicial officer and entirely independent of the district magistrate. From the sessions judge a further appeal lies to the High Court. It is only appeals from convictions by second or third class magistrates that lie to the district or sub-divisional officers. The district officer himself seldom tries an original case, nor as a rule interferes with the distribution of cases as between magistrates which is settled on a general plan fixed by himself. He may, however, be moved by a party to transfer a case from one subordinate court to another on the ground of convenience of parties or witnesses, or on the ground of some supposed bias in the mind of the court to which it would otherwise go; or on finding the work in a particular court is congested, he may of his own motion or on the representation of that court, transfer a pending case to another. Only in a case of special importance or difficulty will he remove a case from the court of the ordinary officer to another which he may think more competent to deal with it. He has before him a daily return of the original cases dealt with by his subordinates, and can send for the records and advise any one of them whose decision he thinks to

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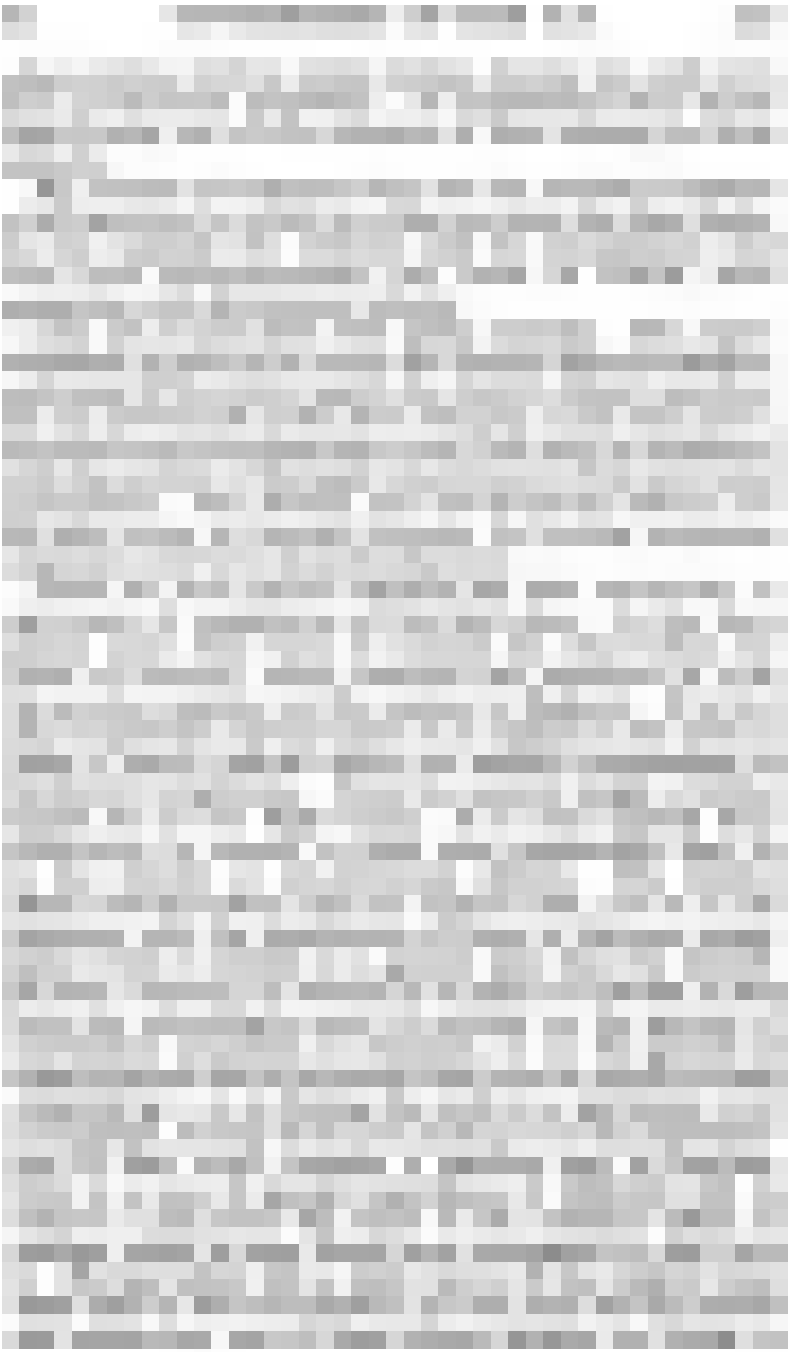

be questionable. He can thus gauge the capacity of his subordinates and keep them up to the mark.

§ 30. We have next to deal with his work in connexion with agrarian and general administration. In the hot weather when the rains confine him to his head-quarters the bulk of his time is devoted to judicial work. In the cold weather, when he tours the district, the claims of administrative work predominate. The details are, of course, done by subordinates. His functions largely consist in training them, inspecting their work and checking the details; and all this keeps him in touch with the actual facts. For the sake of brevity the duties to be done will be spoken of as those of the collector himself.

His original function, the collection of land revenue, is only rendered possible by a highly elaborate system of registration of the actual owners of land and the revenue for the payment of which they are responsible. Estates are often held by a numerous proprietary body, which in some cases includes many thousands. A permanent staff is required to keep these registers up to date. As most of the land is cultivated by tenants, it is evident that the owners cannot pay their land revenue unless they are themselves paid their rents. The payment of rents is rendered possible by agricultural prosperity, one of the factors in which is protection of tenants from arbitrary exactions or excessive rack-renting. Hence the accurate registration of tenants, holdings, rents, and rights has become necessary, and also the enactment of agrarian legislation laying down the rights of all persons interested in the land.

These land records are maintained by the village accountant or patwari. His duty is merely to record rights and facts, and keep the surveys of the villages in his circle up to date. For the records include a plan of every field showing its boundaries, and such details as water-supply and the nature of the soil. This work is supervised by the kanungos, who are in turn supervised by the tahsildars, assistant and deputy collectors and finally by the collector himself. These officers visit the villages, assemble the villagers, call for the patwaris' records, and verify the entries by asking the individual owner or cultivator for information with regard to particular fields. To the best of their powers they make the tahsildars, kanungos, and patwaris feel that no negligence or corruption can escape their notice. This constant supervision is not only necessary for the just decision of a vast body of agrarian litigation,

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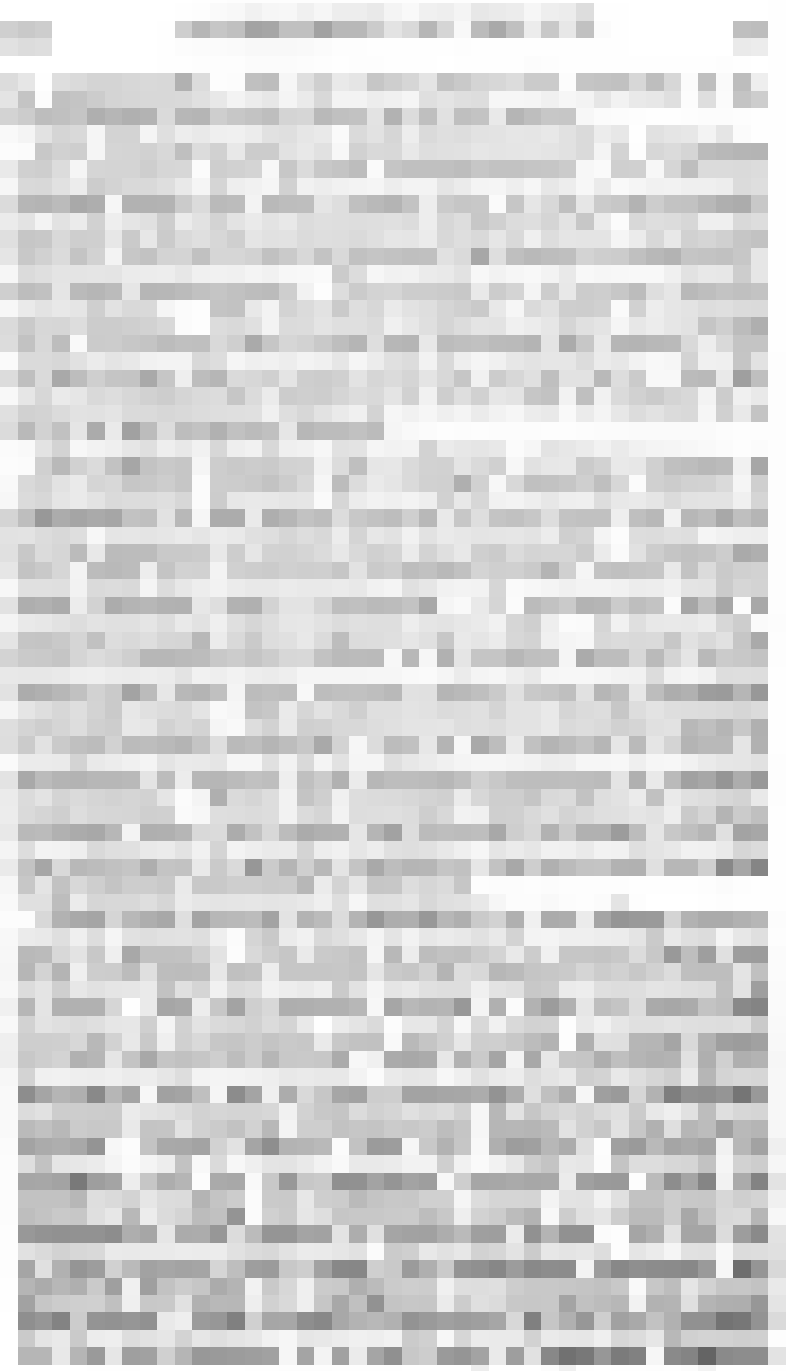

but brings the officials, and especially the junior members of the I.C.S., into intimate touch with the inhabitants of the most remote villages.[1] It is a factor of immense importance in maintaining the contentment and prosperity of the countryside. The collector trains his subordinates in this work and sees that they do it thoroughly.

The agrarian litigation above referred to is dealt with by 'Revenue' Courts. Two grades of courts, namely, the court of the tahsildars, and the courts of assistant and deputy collectors have original jurisdiction. Appeals are heard by collectors, commissioners, and the Board of Revenue, which last constitutes the ultimate court of appeal in 'revenue' matters.

§ 31. In the early days of Indian administration the collector had himself to provide for such matters as police, jails, forests, medicine, sanitation, public works, and education. For these functions, however, special departments were gradually organized; but the collector is still expected to oversee their activities in his district. He does not interfere with technical details as a rule. He is, however, concerned with general schemes for new projects in his district. He is also the officer to whom the people

[1] In framing this account I am of course drawing on information generously furnished by the overworked men who discharge these multifarious duties. I think they would wish me not to withhold the following observation noted on these words by an educated Indian resident in the United Provinces. It is well to remember that our mispronunciation of their language must often give Indians the same sense of absurdity as their mispronunciation of English sometimes gives us. On the whole it is probably true that educated Indians are far better masters of our language than we are of theirs. If this page should chance to meet the eye of the author of the following comment, he will perhaps allow me to point out that the fault he finds with junior members of the I.C.S. fresh from England is incidental to the situation in which they are placed. Their knowledge of the language and people must be imperfect, though villagers can hardly be expected to appreciate the fact.

The comment in question is as follows:

'I submit that the contact is not intimate but very superficial for the following reasons:

'(1) The junior members of the I.C.S. have a very imperfect knowledge of the language of the people. Even those who have a fair knowledge of the language can rarely pronounce Indian words correctly, and it is seldom that a villager can properly understand them.

'(2) The villagers hardly ever speak to them freely. They are afraid of doing so. I know of instances in which people in much better position have come to grief by speaking to them freely. The villagers know of such cases or otherwise believe that it is not safe to speak freely.

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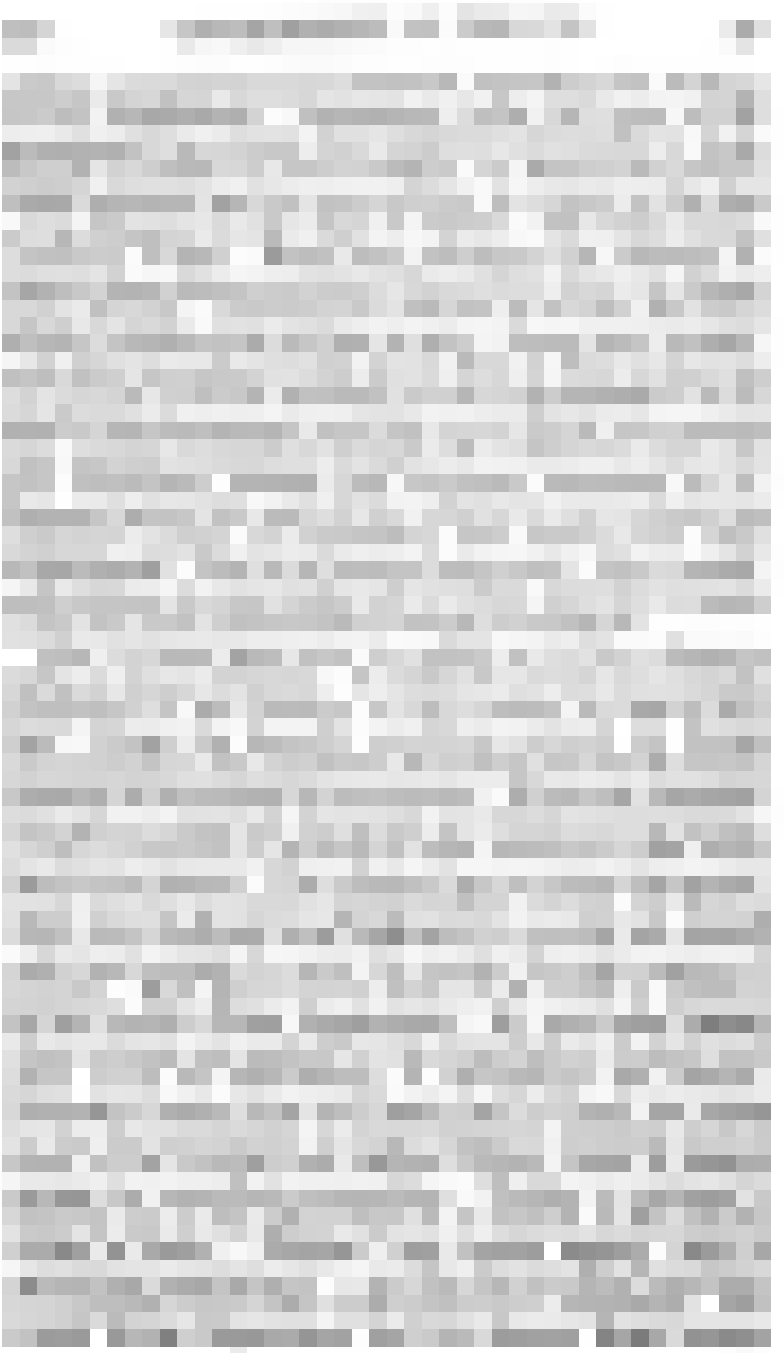
address any grievances or proposals regarding the working of any department. Throughout India the head of the government has always been expected personally to make himself accessible to every subject. In theory the poorest could approach and lay any petition he wished at the feet of the Emperor in the days of Akbar. The same custom continues to-day. Every day, wherever the collector is, there is three times proclaimed the petition hour, the Magna Carta of India ; and when the collector is on tour, the senior deputy collector acts for him at sadr. Every man, woman, and child throughout India knows that at that moment he can get the personal attention of the representative of the head of the government, and that every official who receives that petition forwarded through the collector's court will pay reasonably prompt and adequate attention to it; because behind the seal of the collector's court stands the collector's power of supervision and report over other departments. This is no eastern fairy story. Men, women, and children do come singly and in bodies, and their requests cover the most extraordinary variety of subjects.

§ 32. A word must also be added as to the collector's duties in times of famine. In India the people are normally supported on the produce of the locality in which they live. Under the peaceful conditions secured by British administration, the population is limited only by the normal capacity of the district for production. Whenever, therefore, the rains or crops fail, the people are threatened by famine. A state of famine is deemed to exist whenever relief works have to be started. The collector has to advise the government how far to insure against failure of rain, by storing water and irrigating areas sufficient to provide the district with food enough to carry the people through seasons of scarcity. How this is to be done is of course a question for the Public Works Department. He must also suggest what railways are needed for the importation of grain, and what roads for distributing it throughout the district. Nowadays famine does not imply lack of food, for owing to the vast production on huge irrigation schemes such as those of the Punjab and Ganges Valley, there is always enough for everybody somewhere. Thanks to railways it finds its way to the place where it is wanted, in the natural course of trade. 'Famine' now means merely 'lack of agricultural employment'; and the district officer's problem is to provide some other employment as a substitute. The Public Works Department and the district Board always



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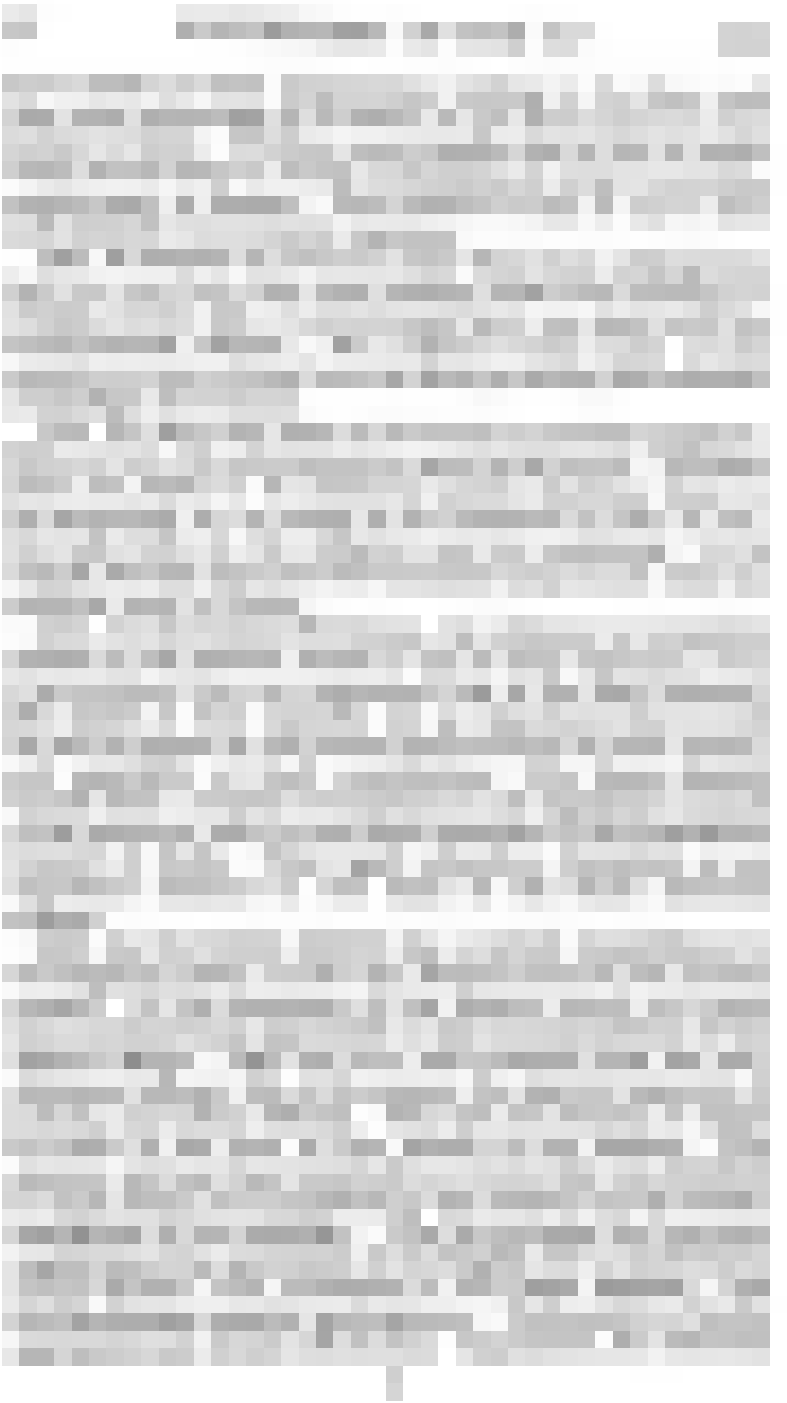
§ 33. In respect of revenues other than those arising from land we may note that cases arising under laws relating to stamps, excise, salt, or government land, are dealt with by sub-divisional officers. The collector hears some of the appeals on cases arising from the laws governing the relations of landlord and tenant.

§ 34. We may now turn to his duties as residuary legatee. He is, in fact, the administrative maid-of-all-work. Whether there are funds to be raised for public charities, loans to be subscribed to, or troops to be recruited in time of war, the task falls on the collector and his assistants. It is mainly through him that Government keeps touch with the political state of India.

§ 35. In the United Provinces, the collector is invariably chosen by the district board to act as their chairman, even if government has not appointed him in the first instance. His duties in that capacity are so important that it will be well to glance at the powers and revenues of these bodies, and especially at their constitution. For these district boards elect a number of members to the legislative council of the province, who in turn elect members to the Legislative Council of India. They merit attention, therefore, as an important element in the basis of the whole electoral system.

§ 36. As the Indian district has a certain resemblance to the English county, so has the district board to the county council. Of the members of the district board, not more than one-fourth are appointed on the recommendation of the district officer. They are as a rule selected from the sub-divisional officers, the civil surgeon, the deputy inspector of schools, and other officials. The rest are elected, so many for each of the four or five tahsils in the district. The electors, not less than twenty-five or more than one hundred for each tahsil, are nominated by the collector on the recommendation of the tahsildar. The list includes the honorary magistrates (the equivalent of the English J.P.), landowners, money-lenders, and sometimes a few large tenants; but the landowners usually predominate. Those guilty of petty oppressions are struck off the list. In practice, the selection



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§ 37. As a rule three members are returned for each tahsil. The elections, more often than not, are uncontested. On the other hand, they are often contested with vigour. Charges of corrupt practice are examined and dealt with by the district magistrate. No statute law relating to corrupt practices has yet been formulated. The candidates are largely landholders and money-lenders, who alone can afford the time and expense involved in travelling long distances from inaccessible places to attend meetings. In districts with large cities lawyers and men of the commercial class seek election.

§ 38. The board administers :

Primary Schools (Vernacular).
Local Roads.
Ferries.
Tree Planting along the Roads.
Pounds.
Dispensaries (Medical and Veterinary).
Provision of bulls and stallions for breeding purposes.
Vaccination.
Fairs and Agricultural Shows.
Village Sanitation.

The revenues of the board are derived from :

School Fees.
Pound Fines.
Government Grants.
Miscellaneous Services such as arboriculture, fairs, markets, ferries, &c. ;

[1] On this passage the Indian critic quoted in the last note records the following observation :

'According to the rule contained in the District Board Manual, the list of voters should include the names of "persons *residing*, or owning landed property or business in the Tahsil, as the District Magistrate, having regard to their position and their interest or influence in the Tahsil, may consider fit persons to act as electors". So even persons merely residing in the Tahsil could be included. The real qualification is the choice of the District Magistrate, which in practice is the choice of the Tahsildar.

'The *Tahsildars* may not be abusing their power, but they do not use it properly either. As a rule the last year's list is copied for the current year and includes names of dead persons. Most of the educated and prominent men of the District who are capable of taking interest in and forming opinion on public affairs live in the Sadr Tahsil (the Tahsil which includes the head-quarters of the District) and yet partly through the negligence of the Tahsildar and partly on account of the limit to the number of the voters, their names are often conspicuous by their absence from the list.'

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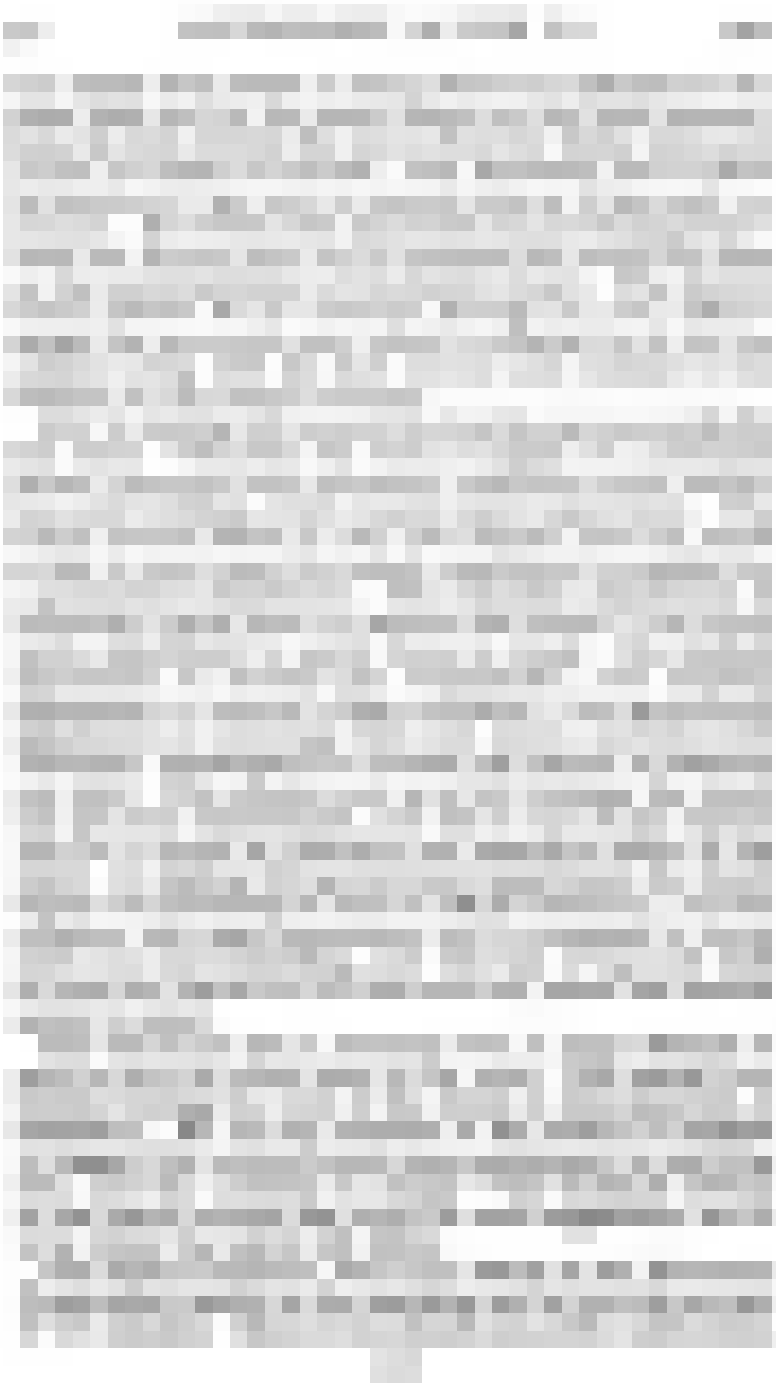
'The Tahsildars may not be abusing their power, but they do not use it properly either. As a rule the last year's list is copied for the current year and includes names of dead persons. Most of the educated and prominent men of the District who are capable of taking interest in and forming opinion on public affairs live in the Sadr Tahsil (the Tahsil which includes the head-quarters of the District) and yet partly through the negligence of the Tahsildar and partly on account of the limit to the number of the voters, their names are often conspicuous by their absence from the list.'

but chiefly from cesses on land, which are collected at the same time and by the same officers as the land revenue. Like the land revenue the cess is fixed for thirty years and cannot be raised or lowered. The maximum cess is fixed by statute at 5 per cent. on annual value or 10 per cent. on revenue. But within that maximum the provincial government can fix any rate, and in practice this would be done on the recommendation of the district board. The district board collects all its revenues through its own officers except the provincial rate, which is collected for it by the collector along with the land revenue and credited in the treasury to the board's account.

§ 39. In dealing with pounds the boards exercise a perfectly free hand. Otherwise the work is largely of a technical nature, connected with education, veterinary work, sanitation, and buildings, which require expert supervision. The boards cannot afford to pay real experts, and the result is that in most cases the expert supervision is supplied by a government department. The education department is constantly urging them to improve the schools; the public works department to spend more on roads; the medical department to develop the dispensaries; the sanitary department to improve village sanitation; the agricultural department to encourage fairs and shows, and the Civil Veterinary Department to increase the service of stallions and bulls. The collector acts as a link between the board and all those departments, and this is one of the reasons why he is chosen as chairman and executive officer of the board. In dealing with government departments the board thinks it an advantage to have an official chairman; and the collector, who goes everywhere and is supposed to know every one and everything, and who has a big local staff all over the district at his beck and call, seems the natural person to select.

The board has also a secretary who in large districts is paid to give his whole time to its work. His special job, besides running the work of the board at head-quarters, is inspection. He (or any member of the board) is entitled to suggest that a school wants more equipment, or anything else; but the 'member in charge'—the technical adviser to the board—always has a say on such suggestions, and it is he whom the board will follow.

The deputy inspector, who is an official of the Education Department, reports on the teaching, and is thus the servant of two masters. Most of the schools are public institutions,



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The members of the board are assembled at the administrative centre of the district once a month. They are in some districts divided into four committees; one dealing with finance, a second with public works, a third with education, and a fourth with public health. More often they are divided into tahsil committees. They meet first and deal with matters remitted to them by the board.

§ 40. I will now reprint the next five paragraphs relating to district boards as they were originally issued for criticism in India, omitting only certain misstatements on minor points. The next paragraph in particular was compiled from accounts given by senior officers who had not been in touch with district boards for some years. I shall then give the burden of the criticism made on these statements by officers with more recent experience of the boards.

Afterwards the full board meets under the presidency of the collector. The agenda paper prepared in the vernacular by the secretary is handed round. The collector opens the meeting by asking the board to confirm the minutes. He next asks them to pass the expenditure and accounts, and looks carefully to see how the revenue is coming in. The part played by the members is for the most part confined to making representations in favour of their several localities. They ask for bulls and stallions to be sent to their respective constituencies, for some money to be spent upon road construction, or schools in their neighbourhood, &c. The collector listens to all the opinions which are offered, hears them discussed by the members at large, and then proposes the course to be taken, and his proposal is usually endorsed by the board. On questions affecting the district as a whole the board is useful as an advisory body. By questions the collector elicits information from members with regard to the local conditions in each tahsil.[1] *But the motions upon which action is taken originate from the collector himself, and if pressed are always adopted by the board. The minutes record no divisions. The members in fact adopt the role of a Greek chorus; commenting, applauding, advising,*

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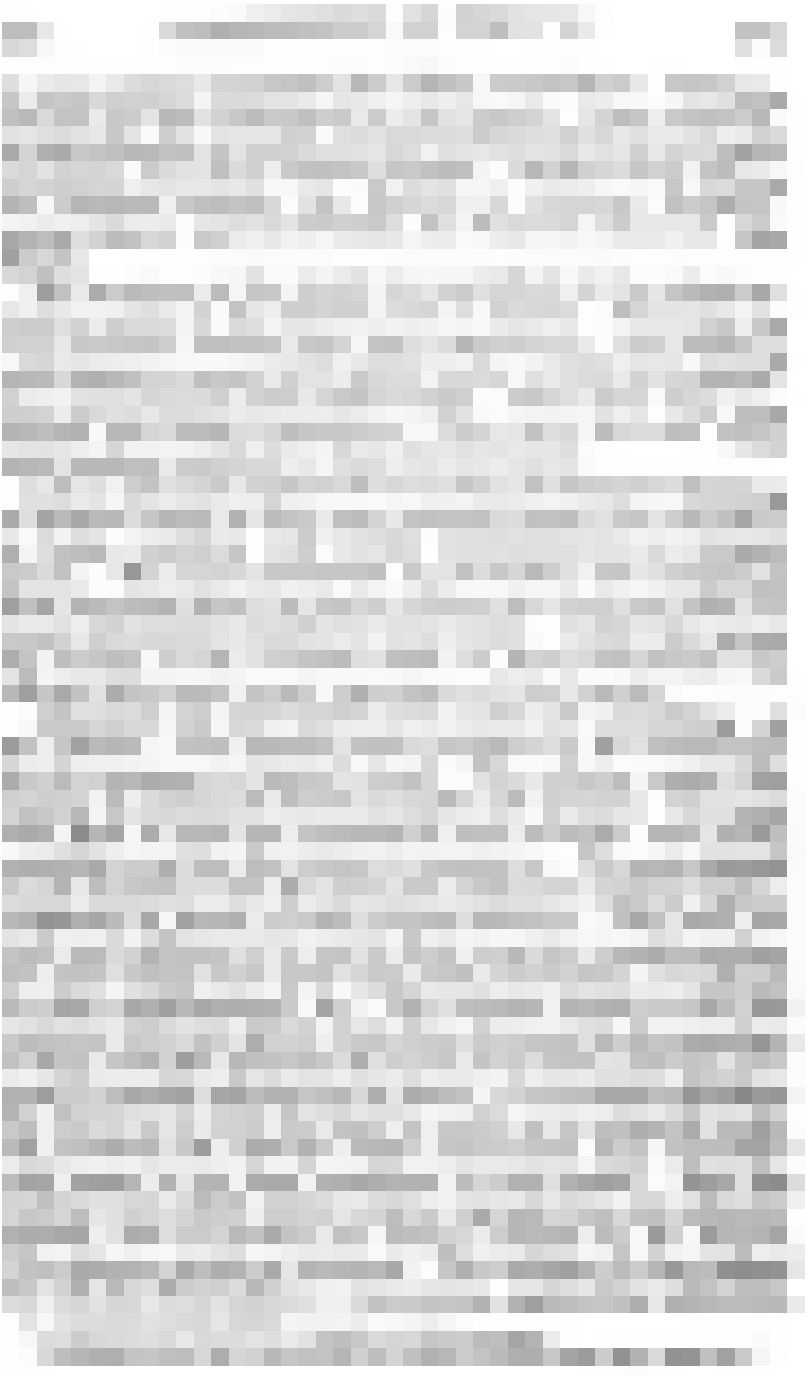

but originating nothing except suggestions which the collector then formulates into motions.[1]

The collector will use these meetings for transacting a variety of business. In consultations with the board he will take steps for disseminating war news, encouraging subscriptions to the war loan, and so forth. A full meeting usually takes from one to one and a half hours. With the time previously spent on committees, a whole morning will be given to the work.

It is said that the reason why boards in the United Provinces invariably ask for the appointment of the collector as chairman, is because members believe that Government would decline to sanction the appointment of an ordinary member to the office.[2] *The Decentralization Commission considered that Government ought to insist upon the collector filling this post, on the ground that he alone was in touch with unofficial opinion in the various parts of his district. By others it is held that only by touring throughout the district can collectors keep in touch with public opinion. The appointment of ordinary members as chairmen has long been the practice in the Central Provinces, and, so it would seem, with satisfactory results.*

In the Legislative Council, the Financial Secretary of the United Provinces referred to the practice whereby the selection of voters is left to the collector and tahsildar as one 'in need of amendment' which 'should be superseded by some system of definite qualifications for voters'. He predicted, moreover, that boards would have to be given some real powers of local taxation.

Such changes, if effected, will inaugurate a real experiment in local self-government. In the absence of these changes the collector has retained a final control over all the functions of government in his district. But if and when these changes are made, a certain number of those functions will be detached and the boards will not merely be suffered, but even obliged to control them. They will have not only to decide between contending claims, but also to originate decisions where progress which involves further expenditure is demanded. They will either have to refuse the demand or face the odium of imposing further taxation.[3] *And in all this they will find themselves responsible*

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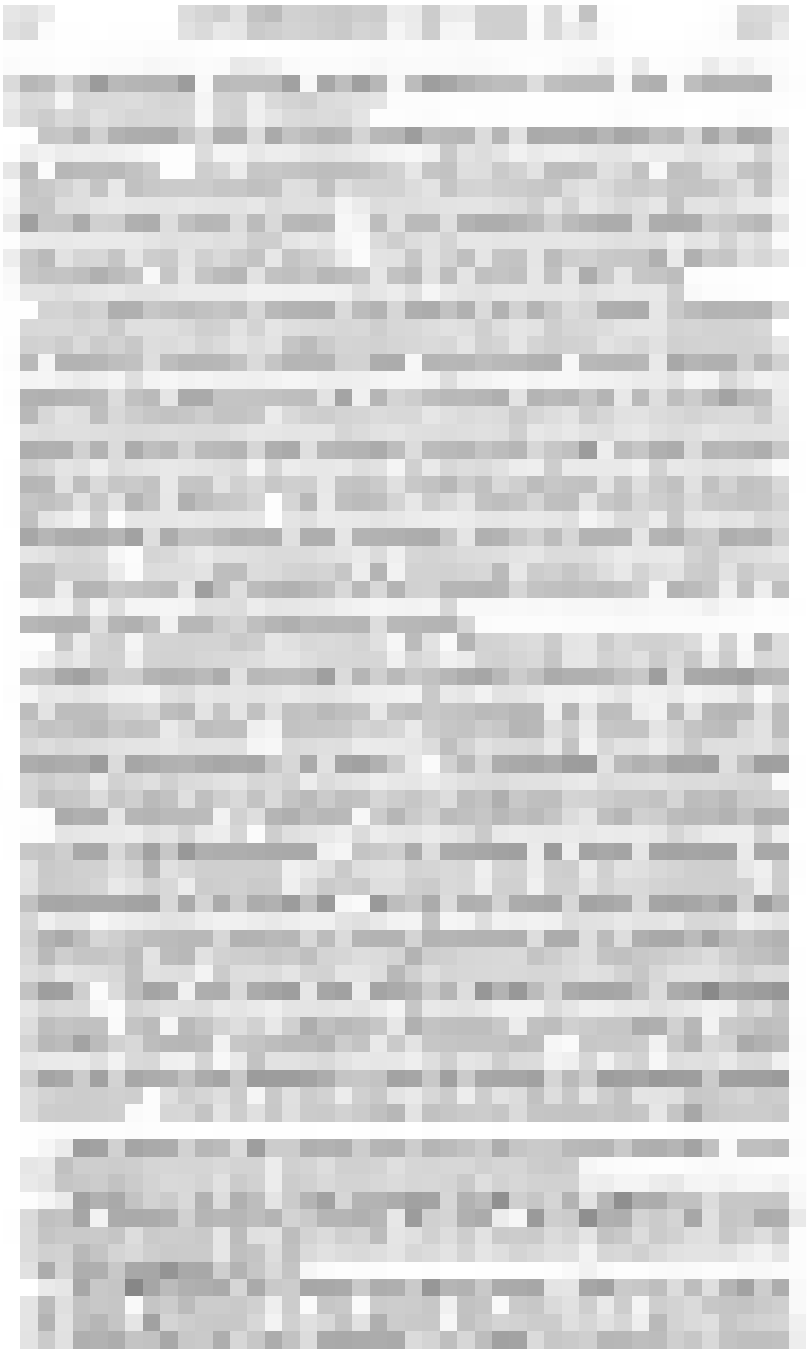

to an electorate formed on the basis of a definite qualification and not selected by government officials. It must then be seen how far electorates and their representatives can rise to the situation by placing the public interests of the district as a whole above those of localities or individuals. For it is upon the development of this capacity to subordinate personal and sectional interests to those of the community that the future of self-government rests. The experiment will also prove whether it is really possible for two authorities to subsist side by side, one in charge of certain functions and revenues, for which it is responsible to an electorate below, and the rest in charge of an official responsible to a government above. A genuine experiment will in fact have been made in applying the principle of dyarchy to a district.

With reference to the foregoing paragraphs, a number of officers with recent experience of district boards tell me that the above account might be true of them in 1900, but certainly would not apply to many of them now. The extent to which boards in the course of this century have developed a will and mind of their own is, they assure me, unmistakable. If few cases are on record in which boards have negatived proposals of the chairman, that is largely because district officers are careful to ascertain what proposals the boards will or will not accept before they are actually framed and formally submitted to the board. Of the several criticisms before me I select the following with which the others agree: 'This account of a meeting is out of date. It was so ten years ago but not now. Members have something, often a great deal to say, and they say it. They make their own suggestions freely. At present the difficulty in my experience is not to get them to make the suggestions, but to get them to take the further step of formulating schemes to carry out their own suggestions. But that will come. I am convinced', this officer adds, 'that it would be a most excellent thing to do away with the official chairman, wherever it is possible, i.e. wherever a non-official able and willing to do the work exists. And I believe that there are very few districts indeed where such a man does not exist.' My account, though based on obsolete data, thus served to elicit evidence of a marked development on the part of these bodies in the last decade of initiative, independence, and faculty of self-government. Such progress is full of promise.

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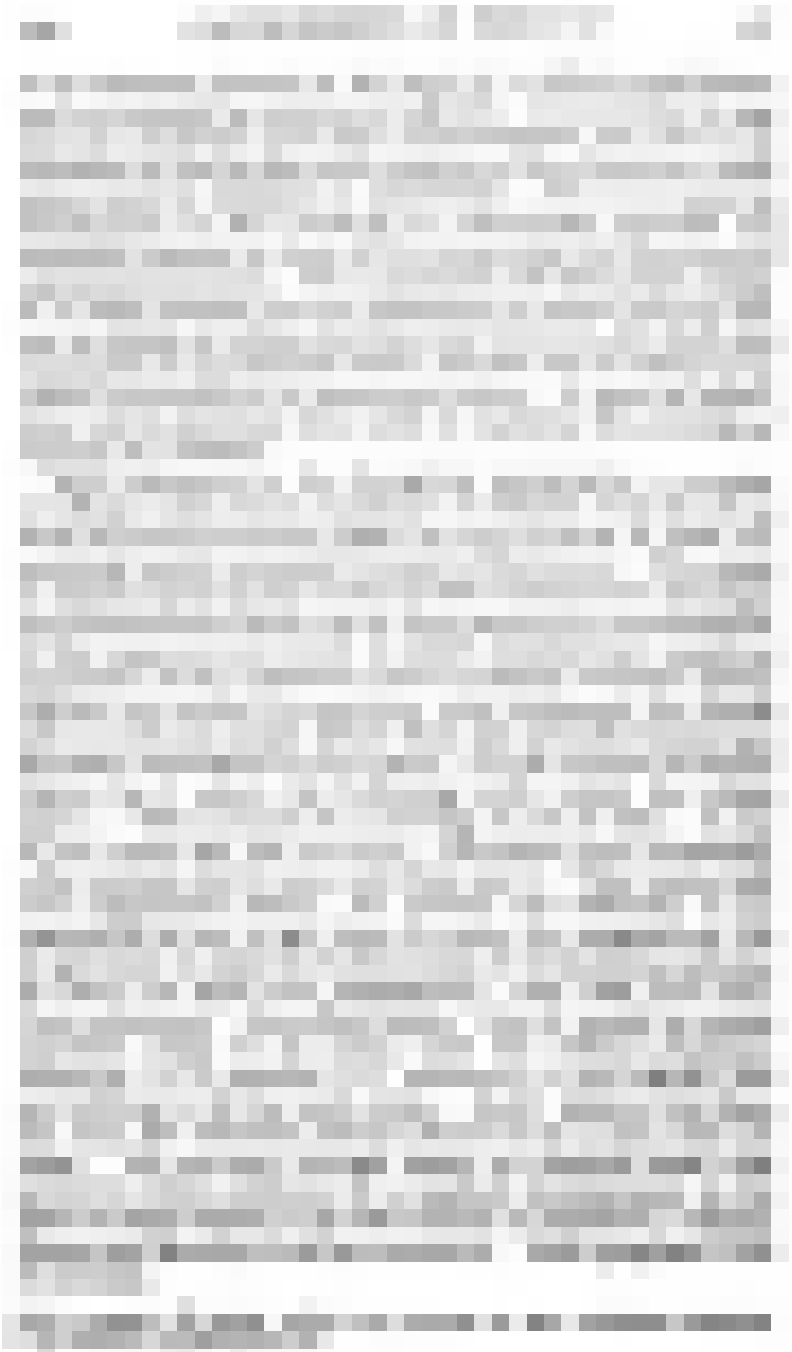

§ 41. Towns are outside the jurisdiction of the district boards. The board is in fact confined to rural affairs; those of the urban areas are entrusted to municipal boards of two grades, the powers of which in the United Provinces have been largely extended by recent legislation. For this purpose it will be useful to give a sketch of one of these bodies as it exists in Lucknow, a town which is the centre of a division as well as of a district.

The board in question is composed as follows:

13	members elected by	Hindus.
9	,, ,,	Moslems.
2	,, ,,	Europeans.
2	,, nominated by	Government.
2	,, ,,	Association of Zamindars.
1	,, ,,	Local Railway Officials.
1	,, ,,	Medical College.
30		

At the moment of writing the Hindus have refused to elect the members assigned to that religion.

The right to vote is accorded to residents in the municipal area who pay a certain amount of income tax, land revenue, municipal taxes (water-rate, wheel tax, &c.), or house rent, to occupiers of land of a specified value, to persons earning an income of Rs. 300 a year and upwards and to Bachelors of Arts of five years' standing.

The qualifications for membership on the board are similar, but slightly higher.

The board must elect a non-official chairman, or else refuse to elect at all. Executive officers to whom certain powers are delegated, including the control of minor appointments, are appointed by the board in a few large cities. The boards have complete control of their own income and expenditure. There is thus a definite division of powers between the functions and revenues assigned to elective boards, and those reserved to the collector. It is still too early to predict the results of the experiment, which are therefore to be watched with the greatest interest.

The duty of compiling a provisional list of voters is left to the board, and is entrusted by them to one of their officials, usually the secretary or the superintendent of collections (of revenue). The list when made is revised by a committee consisting of two members of the board and a government official. Within fifteen days thereafter the

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district magistrate may add names, an arrangement made simply for the purpose of rectifying mistakes.

The town is divided into eight wards, which are regrouped for the purpose of the three different electorates. For these wards a general electorate, mainly Hindu, elects thirteen members, the Moslems nine, and the Europeans two.[1] The Moslems have secured representation far in excess of their relative numbers. They fear lest the Hindu majority should impose the Hindi language on vernacular schools to the exclusion of Urdu. As in Ireland patronage is also one of the issues; certain trades and localities are almost entirely Moslem, and fear the neglect of a Hindu majority. Then there are questions as to the building or demolition of temples, graveyards, or mosques, and as to obstruction of religious processions. At the background of everything is the feeling that if the Musulmans do not obtain recognition of their position on local bodies, neither will they on the legislative councils or the executive councils, or when the day dawns, on the cabinets of self-governing provinces. At the back of people's minds is the still unformulated question whether self-governing India will be Hindu or undenominational.

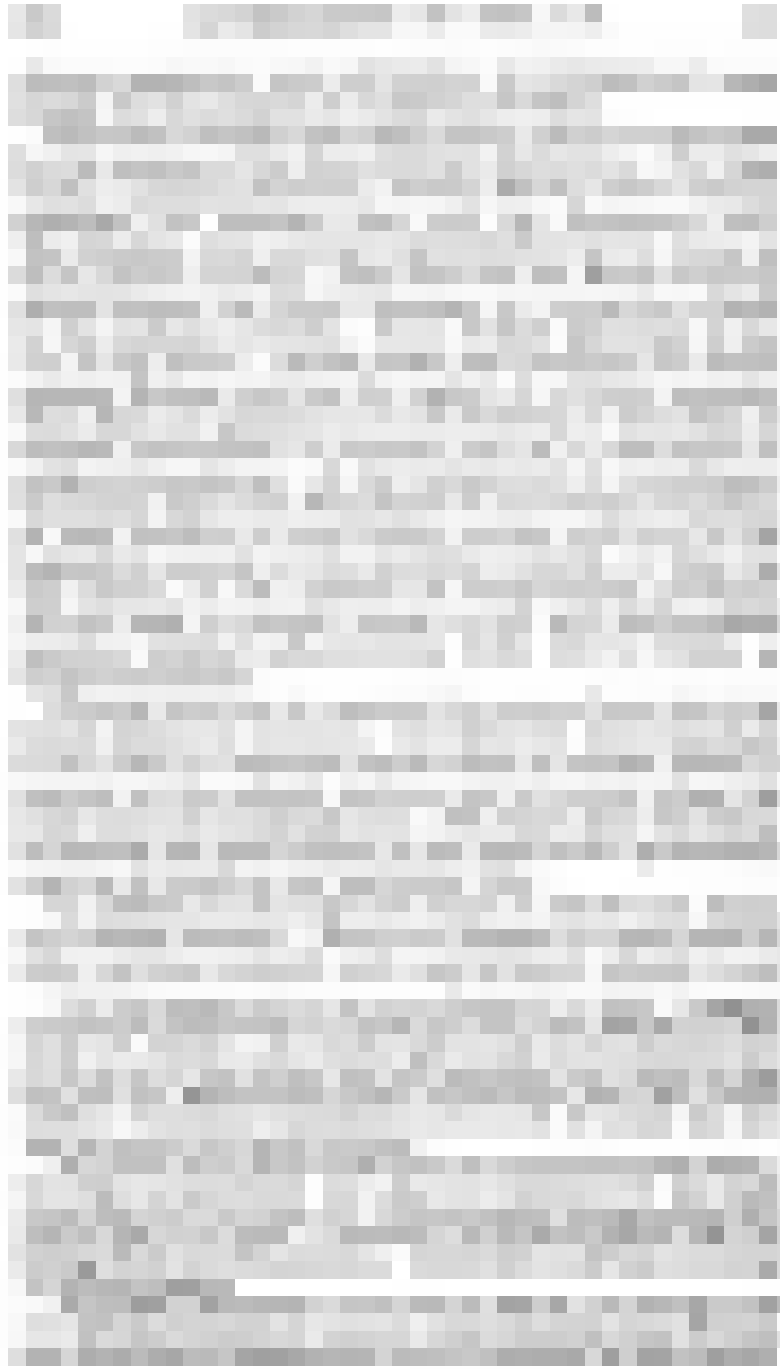
We may now turn to examine the sources from which the board derives its revenues. Of these the most important is the octroi or municipal tariff levied on certain classes of imports at the railway stations and at points where the roads enter the municipal area. The board have full liberty in framing this tariff subject to the right which government reserves to disallow any particular item.

In addition to the octroi are taxes on wheels and horses, and various licences. There are charges for water and for other services rendered, and a government subsidy in aid

[1] On this passage and on one now eliminated, in which I suggested proportional representation as a better way out of the difficulty an officer of the U.P. remarks: 'It is hardly right to omit the fact that the whole of this is due to Lord Morley who both established the Councils on these lines and gave Mohammedans greater representation than their numbers justified. Proportional representation won't work for people who don't want proportions but a good deal more.

'As a matter of fact the simplest system of proportional representation—the single non-transferable vote—has been introduced for the smaller towns under the Town Areas Act. This was possible because politics didn't come in and no one cared. I discussed a proportional system with a few leading Hindus and Mohammedans. Neither side would look at it, though for different reasons.

'As applied to Europeans it would also be difficult: for example, would it be fair that Europeans in Cawnpore, whose industries almost are Cawnpore, should have no representation except in proportion to their numbers?'



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of education. The octroi system is curiously popular. The tax-gatherer is nowhere a welcome visitor. The poor have not imagination enough to see that under the octroi system they pay as much as or more than under a system of direct taxation. In any case they prefer to pay by increased price of their necessaries one pie daily per quarter than 48 pies at the end of that time. The same applies to the rich with this addition, that whereas a rich family may pay twenty-five times as much as a poor one in octroi, its income is perhaps a hundred times as much. Steps, however, are being taken in the larger towns to confine it to a terminal charge on imports and exports.[1] Another plan is to substitute a tax on 'circumstances and property'. If a man has property in the municipal area, he is rated thereon. If he has no fixed property, he is rated on his business profits or professional earnings. It is important to note that, subject to government approval, the board has much wider powers of originating schemes of taxation than an English town council.

The municipal board collects all its revenue for itself through its own officers. By some authorities there is said to be little corruption. Most of the revenue reaches the municipal coffers, for corruption more often takes the form of levying exactions in excess of dues than in misappropriation of the board's money.

The functions of boards are as follows:

They are supposed to provide for the lighting, shading, watering, and cleansing of streets and public places, regulation of offensive and dangerous trades, public protection against dangerous structures, provision and control of cemeteries, &c., construction and maintenance of streets, markets, slaughter-houses, latrines, drains, and water supplies; registration of births and deaths, vaccination, medical relief, hospitals, and dispensaries; primary education, and protection against fire.

They have also power to provide for street improvements, parks, gardens, libraries, museums, lunatic asylums, public halls, rest houses, camping grounds, poor houses, dairies, bathing and washing places, drinking places, dams, and other works of public utility; for reclaiming unhealthy

[1] An officer from the United Provinces adds: 'Under pressure from Government and almost everywhere against the will of the boards who, with their constituents, dislike the alternative, which is usually direct taxation, terminal taxes are being adopted in a very few large centres of trade.'

of education. The octroi system is curiously popular. The tax-gatherer is nowhere a welcome visitor. The poor have not imagination enough to see that under the octroi system they pay as much as or more than under a system of direct taxation. In any case they prefer to pay by increased price of their necessaries one pie daily per quarter than 48 pies at the end of that time. The same applies to the rich with this addition, that whereas a rich family may pay twenty-five times as much as a poor one in octroi, its income is perhaps a hundred times as much. Steps, however, are being taken in the larger towns to confine it to a terminal charge on imports and exports.[1] Another plan is to substitute a tax on 'circumstances and property'. If a man has property in the municipal area, he is rated thereon. If he has no fixed property, he is rated on his business profits or professional earnings. It is important to note that, subject to government approval, the board has much wider powers of originating schemes of taxation than an English town council.

The municipal board collects all its revenue for itself through its own officers. By some authorities there is said to be little corruption. Most of the revenue reaches the municipal coffers, for corruption more often takes the form of levying exactions in excess of dues than in misappropriation of the board's money.

The functions of boards are as follows:

They are supposed to provide for the lighting, shading, watering, and cleansing of streets and public places, regulation of offensive and dangerous trades, public protection against dangerous structures, provision and control of cemeteries, &c., construction and maintenance of streets, markets, slaughter-houses, latrines, drains, and water supplies; registration of births and deaths, vaccination, medical relief, hospitals, and dispensaries; primary education, and protection against fire.

They have also power to provide for street improvements, parks, gardens, libraries, museums, lunatic asylums, public halls, rest houses, camping grounds, poor houses, dairies, bathing and washing places, drinking places, dams, and other works of public utility; for reclaiming unhealthy

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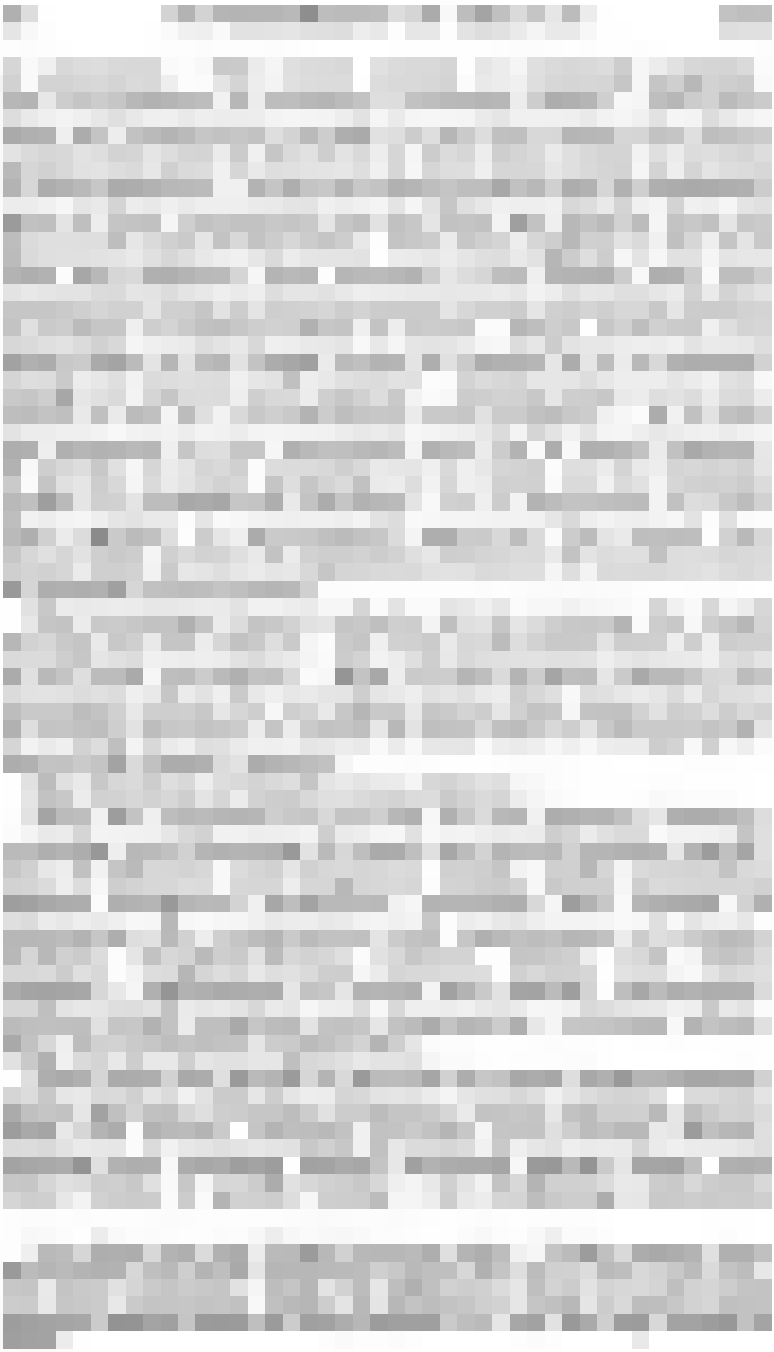


areas, taking a census, making surveys, relieving local calamities, removing stray dogs, sewage disposal, tram services, fairs and exhibitions, or any other matter which the government may delegate to them.

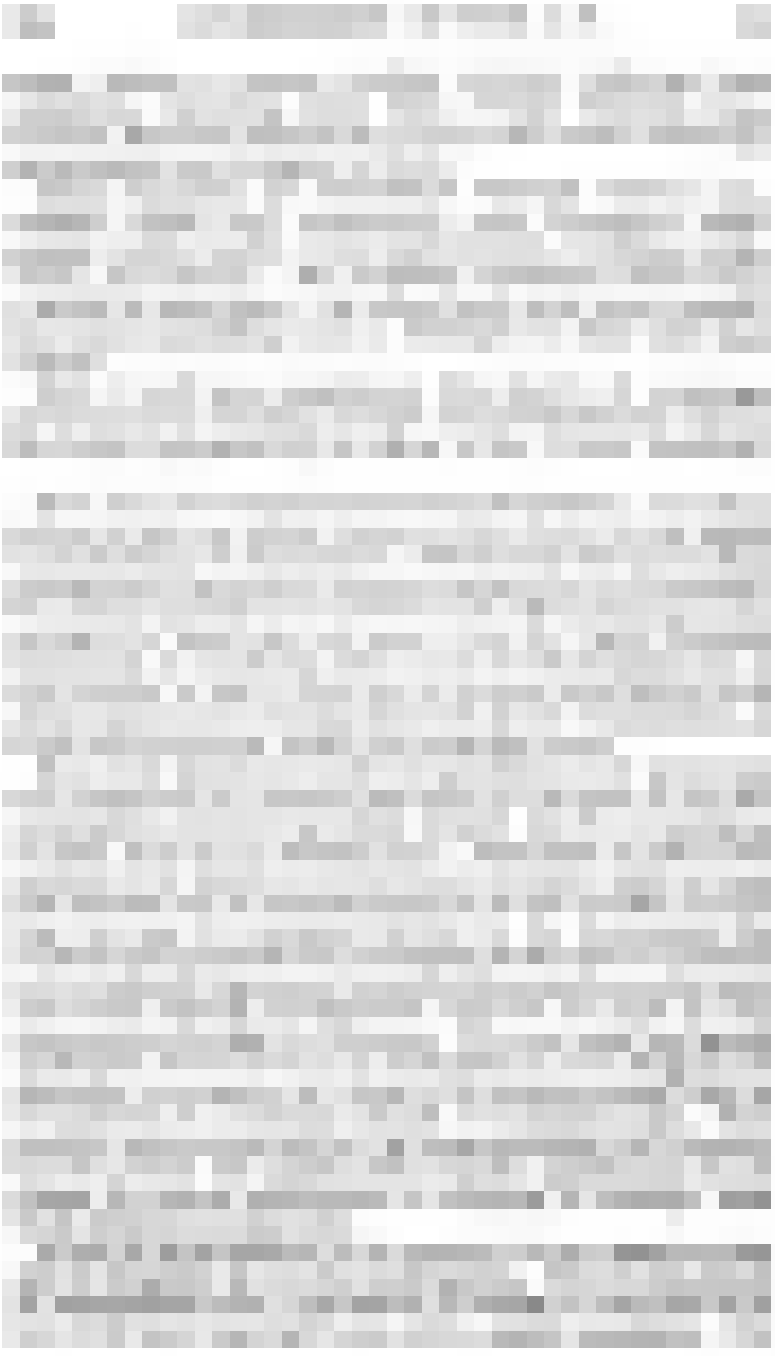
These functions are distributed amongst various committees, which deal respectively with education, water supply, public health, town improvement, building, public works, and finance. The building committee meets twice a month to pass plans ; the others each meet once a month, the board assembling once a fortnight to deal with their reports.

§ 42. I will here supplement this sketch of municipal government by inserting an able and authoritative note on the subject prepared by an officer of the United Provinces.

There are in the United Provinces 83 municipalities ; 45 of those had up to last year official chairmen either elected by the boards or nominated by the Government ; while 21 had elected non-official chairmen and 18 non-official chairmen nominated by the Government. The control exercised by the presence of an official chairman at the meeting of a board was very great ; but the United Provinces Government in introducing what is now the Municipalities Act of 1916 decided to take a bold step in freeing municipalities from official control and in leaving them with all the responsibilities of Local Self-Government within their municipal areas.

Most of the boards have under the provisions of the present Act been constituted on a popular basis with the exception of very few municipalities which are peculiarly situated but the circumstances of which need not be discussed here. Four-fifths at least of the members of the boards are elected by an electorate, while not more than one-fifth may be nominated and out of this one-fifth not more than two may be nominated directly by the Government, the remainder being nominated by nominating bodies who are considered to be of sufficient importance to justify representation on the municipal board although arrangements could not be made for their representation through the electorate. The most usual and general qualification for an elector in a municipality is, as in England, the ownership or occupation of a house of a minimum annual value or the payment of a minimum amount of municipal taxes. There are other qualifications such as, e.g. being a graduate of a University, but few persons who possess these separate qualifications do not possess the general qualification of occupying or owning a house of the minimum annual value.

Of the 83 municipalities of the province 10 are classed as cities and the remainder as non-city municipalities. The 10 cities include all municipalities with a population of 100,000 or over and one or two of the more important towns with a smaller population. It is



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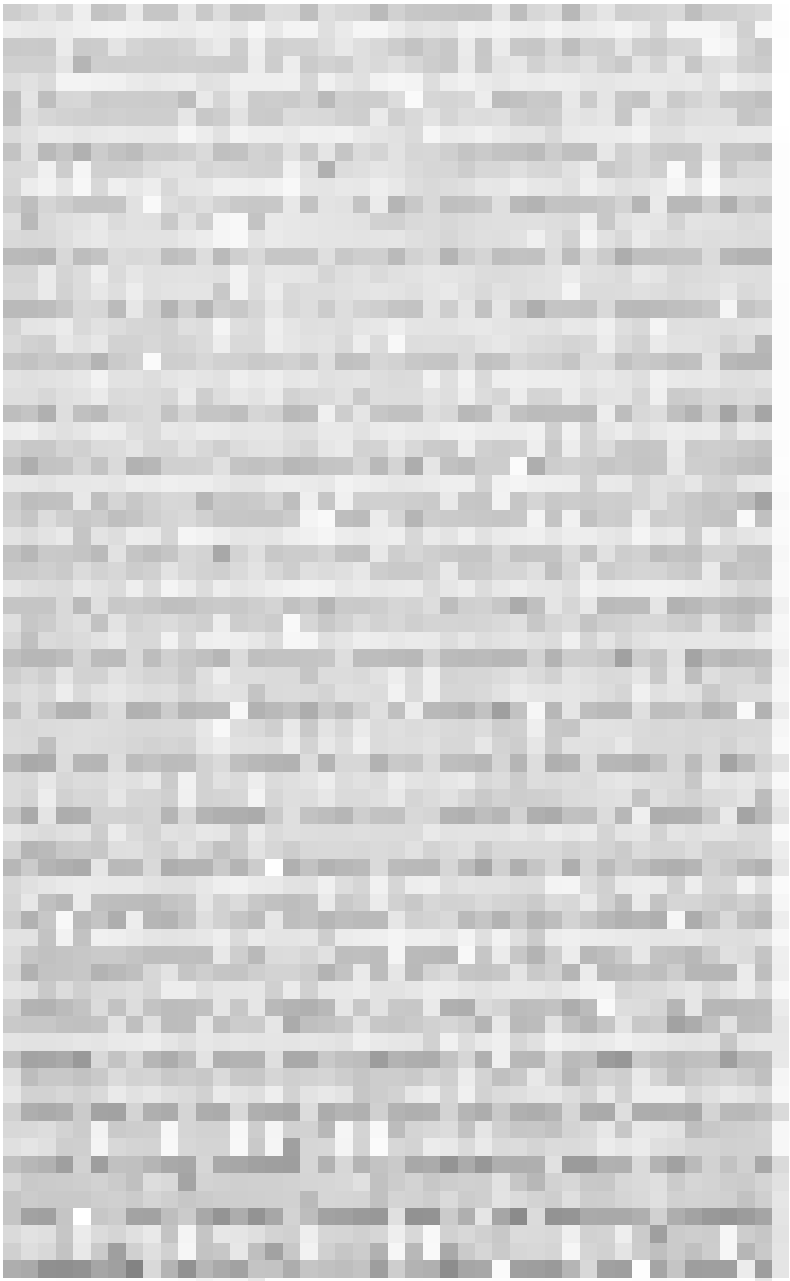
only in the case of these city municipalities that the Local Government may require the board to appoint an executive officer. The Local Government has no power to make any such order in the case of the remaining 73 municipalities. As a matter of fact the Local Government has not had to issue any such orders in the case of the 10 municipalities referred to as all the municipalities in which there are at present executive officers appointed these officers of their own accord. The reason for the provision regarding the executive officer is as follows : It is an unfortunate fact that the early municipal Acts of these and other provinces laid upon the collective board the duty of carrying out a great deal of executive work and did not restrict the operations of the board to its natural functions, viz. those of legislation and control by means of by-laws and of dealing with finance. The result was that a great deal of the executive work which is carried out in municipalities in the west by the executive staff came to be dealt with, in many cases illegally, by individual members of the board, while these cases came up in large numbers before the board or committees of the board. For example, a board makes by-laws regulating the erection and re-erection of buildings and regulating sanitation. The enforcement of these by-laws in individual cases ought obviously to be dealt with by the staff of the board and the courts, but as a matter of fact they have been dealt with by the board and committees of the board—a most unsuitable agency for any such work. The result has been that the by-laws of the board have not been enforced because members are liable to pressure from their friends, acquaintances, or electors who may be required to make structural alterations in buildings, to erect privies, to remove nuisances ; while if the work had been left to the executive staff (who would of course have been bound by the board's by-laws) the work would have been much more satisfactorily carried out as the duty of the sanitary inspectors, medical officers of health, and engineers of the board would merely have been to see that the board's by-laws were enforced. Another result was that in the larger towns it was impossible to comply with the strict letter of the law without very great delay and congestion of municipal business and the Collector-chairman had in many cases to take upon himself the responsibility of issuing orders in the name of the board which he trusted the board to confirm at the next meeting. If the boards had been set free from official control with this state of affairs still existing it would have been impossible for the average non-official chairman to devote the time required to pass orders in every individual case, and the result would have been either the boards would at once have come to grief or that the selection of a chairman would have been confined to the comparatively narrow field of the persons with sufficient leisure to devote their whole time to municipal work. It was, therefore, decided that it was absolutely necessary in the case of the larger towns to provide for the efficient and business-like carrying out of the board's orders and by-laws by



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entrusting the enforcement of these by-laws and orders to the st under the control of an officer who is called an executive offi and who it was originally intended should hold a position somew similar to that of a town clerk in an English Corporation. T powers of the executive officer have, however, been considera whittled down, but there was practically no opposition whatsoe by non-official members to the proposal that arrangements sho be made in this manner for the expeditious carrying out of t board's orders and by-laws. The somewhat slender powers of t Local Government under the previous Acts to interfere with a boar resolutions have been very considerably diminished under the pres Act. The power, for example, to veto a resolution on the grou that it is illegal and beyond the powers of the board was deliberat removed from the new Act as it was considered the boards sho now be left to themselves to suffer the consequence of their ignora of the provisions of the law. The only power to veto a resoluti or order of a board is that conferred by section 31 of the Act up the Commissioner and the District Magistrate to veto an order resolution 'if in his opinion such resolution or order is of a nat to cause or tend to cause obstruction, annoyance, or injury to t public or to any class or body of persons lawfully employed ; danger to human life, health, or safety, or a riot or affray'. T power is very strictly limited and is practically confined to the co powers of a District Magistrate to prevent danger to human l or a riot or affray. The other class of cases, viz. cases of obstructi annoyance, or injury to the public or any class or body of pers lawfully employed, could only be used in cases where a resoluti or order of a board was likely to cause a public nuisance or was pass for the purpose of annoying a minority of the population. is as a matter of fact most unlikely that such powers will ever used, and I am not aware of any case in which they have e been used.

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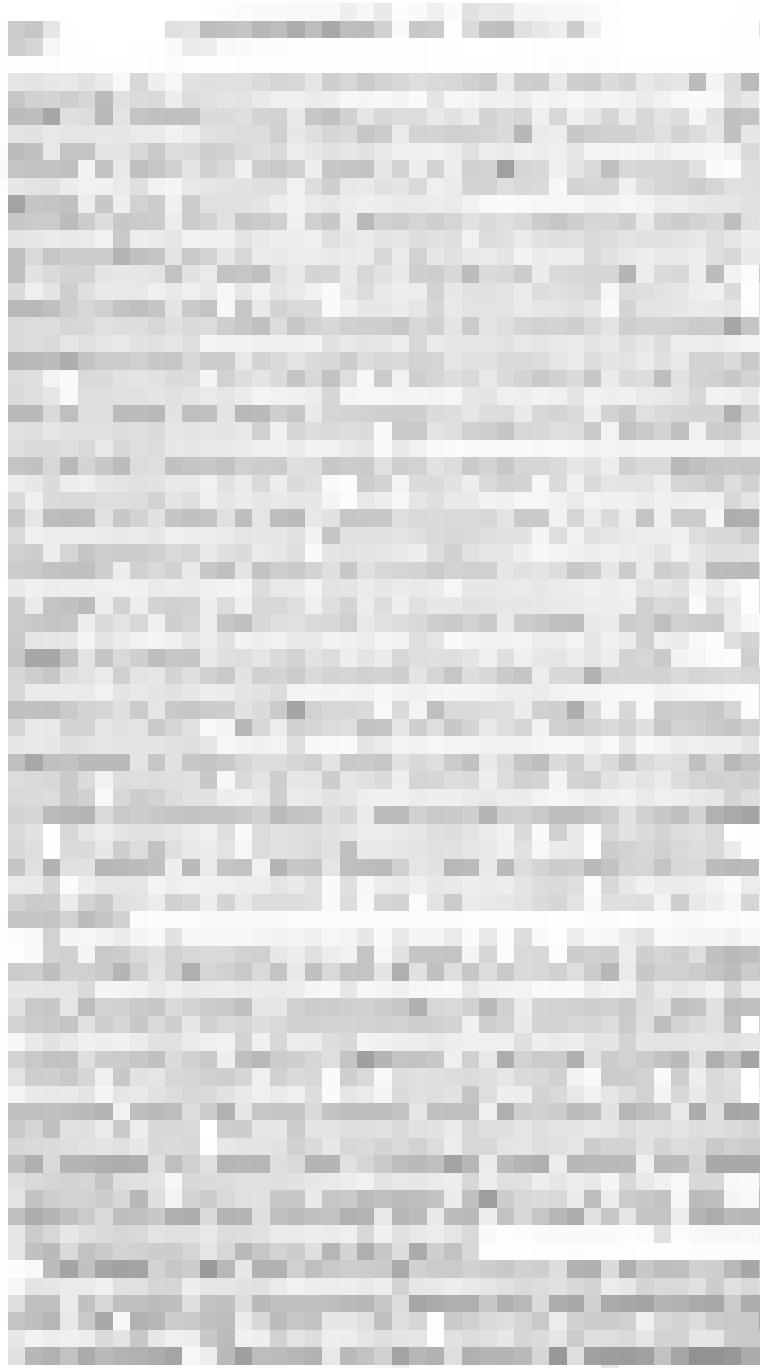

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The experiment now made in the United Provinces is far in advance of anything attempted in any other province, and is a very real experiment in Local Self-Government. The results of the experiment will be very interesting to watch; for if municipal members are unable to run the affairs of their own town it is difficult to see how they can be deemed able to run the affairs of a larger area, while if the experiment is a success it will afford grounds for experiment on a wider field.

As to communal representation it is only fair to state the actual history of the case, which is, that, when Lord Morley started his Councils scheme on somewhat hasty lines, in response to protests from the Mohammedan community in London, he made a promise that both in the Council elections and in the elections to all representative bodies, such as municipal and district boards, the Mohammedans would be guaranteed a separate electorate. This promise was repeated by Lord Minto, and has been definitely embodied in the rules for separate representation for the legislative councils both provincial and imperial. When the proposal to amend the United Provinces Municipalities Act, with a view to making it possible to release the municipal boards entirely from official control, was brought up the Mohammedans at once objected and claimed the redemption of the promise made by the Secretary of State and the Viceroy before they would agree to the boards being released from official control, and the definite provisions now made in the United Provinces Municipalities Act were the results of a compromise between the Hindu and Mohammedan non-official members of the Council. The Bill in fact would never have been passed if this provision had not been inserted. The other possible remedies had of course been considered; but it was of no use raising them as neither party would look at them. It is of little use suggesting proportional representation in this country when the House of Commons has itself refused to recognize the principle. The method of voting under that system is no doubt simple, but the method of counting is, as you admit, complex, and must be done by experts and the difficulty of suggesting any such system in this country is that the system of counting is unduly complex and is very difficult to explain to the voters.

As regards the methods of taxation in municipalities out of a total income (I quote the figures in thousands of rupees) of 94,42 in the year 1915–16, 29,44 was derived from octroi, 4,28 from house-tax,

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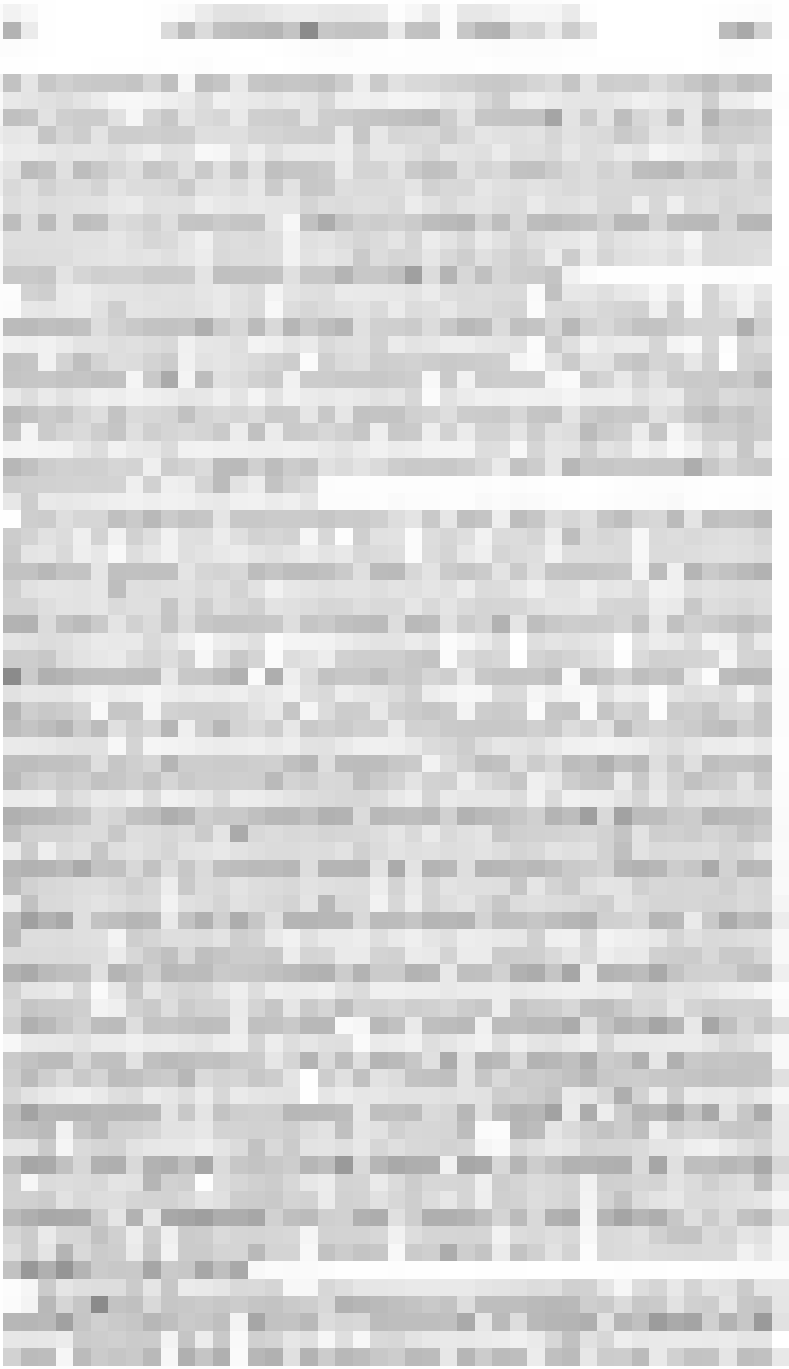

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§ 43. The forty-eight districts of the United Provinces are, as we noticed above, grouped into ten divisions each in charge of a commissioner. The function of these superior officers is generally to reduce the volume of work which would otherwise go from the district officers to the Board of Revenue and government secretaries. The Board is the final court of appeal in revenue cases, but commissioners dispose of a large number of appeals from district courts before they get to the Board. In agrarian matters generally they 'devil' for the Board or government by giving advice or encouragement, settling whatever can be settled, pouring oil on troubled waters, applying the whip and spur if necessary, and keeping the higher authorities in touch with the people. District officers sometimes whisper that commissioners are the fifth wheel in the administrative coach. When they come to discharge the functions of commissioner later in life they are apt to revise that opinion, and compare him to oil in a motor car, theoretically unnecessary, but practically most useful. It is difficult to see how the members of the Board or the Central Government could get through their work without them, unless the personnel of the Board and government secretaries were greatly increased. There would probably be little or no saving in the actual number of officers. The change in fact might mean simply a transfer of senior officers from the mufassil to the capital of the province, which could scarcely be reckoned a change for the better.

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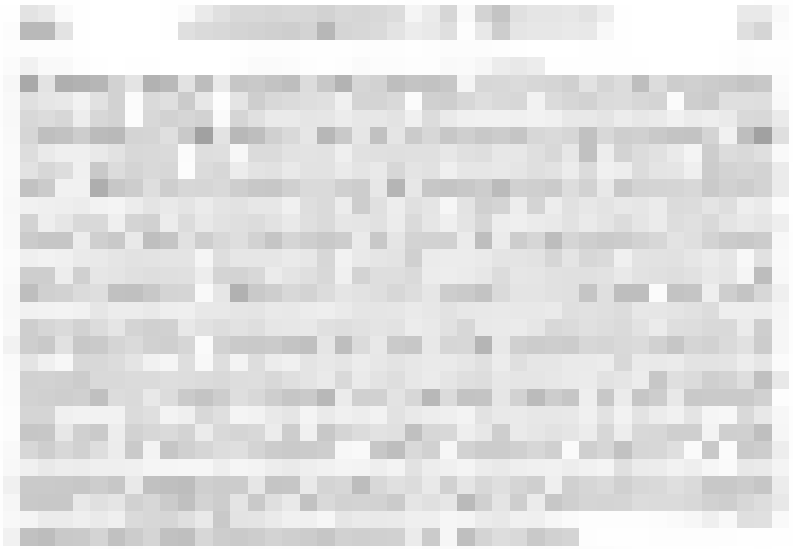
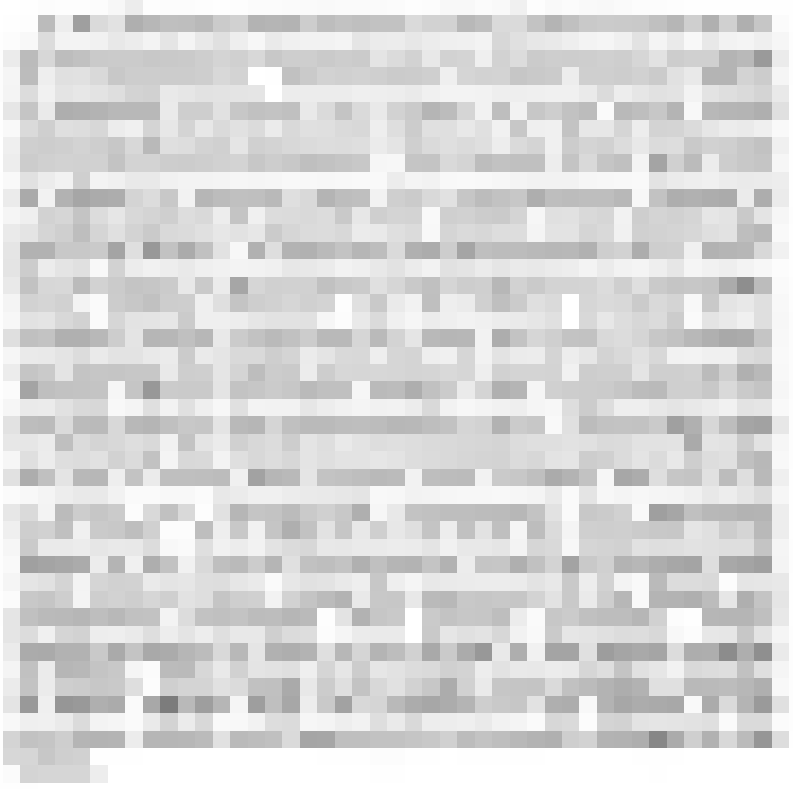




V

LAND REVENUE

(*July* 1917)

§ 1. In the first of these studies, the chain of authority was traced from the Imperial Cabinet in London to Delhi and Simla, thence to the capital of the province, to the city which forms the centre of the division, to the country town which forms the centre of the district, and finally, to the village which constitutes the typical unit of Indian society. But let it be realized that in all these cities and towns there dwells but one-tenth of the total population of India. The remaining nine-tenths live in purely rural surroundings, and draw their subsistence directly or indirectly from tillage of the soil.

In England the rural population is partly gathered in villages, but the landscape is dotted with country houses, farms, and cottages, whose isolation bears witness to a condition of peace and security established centuries ago. In the greater part of India it is otherwise. Except in Assam, Eastern Bengal, and the west coast of Madras, most of the rural population of India is congregated in closely congested hamlets rising like mounds from the centre of the cultivated fields. Long ages of recurring disorder and rapine have imposed on the mass of the Indian people the gregarious habits of the ant. The mass of thickly crowded dwellings, moulded from the earth of the plain in which they stand, and threaded by narrow and tortuous lanes, is, indeed, strangely suggestive of an ant-heap. The suggestion is enhanced by the fact that the village is usually super-imposed on a mound, which the casual traveller is apt to suppose to be some natural hillock, chosen by the villagers for the purpose of better drainage or defence. In this, however, he is usually mistaken; for the mound is commonly composed of the debris of dwellings, many of which had crumbled to dust before the art of writing was known or history had dawned. When wolves still howled where Notre Dame and St. Paul's now stand, and the very names of Athens or Rome were unheard of, there lived and toiled on these sites the predecessors of the villagers who tenant them to-day. It is with some feeling of reverence

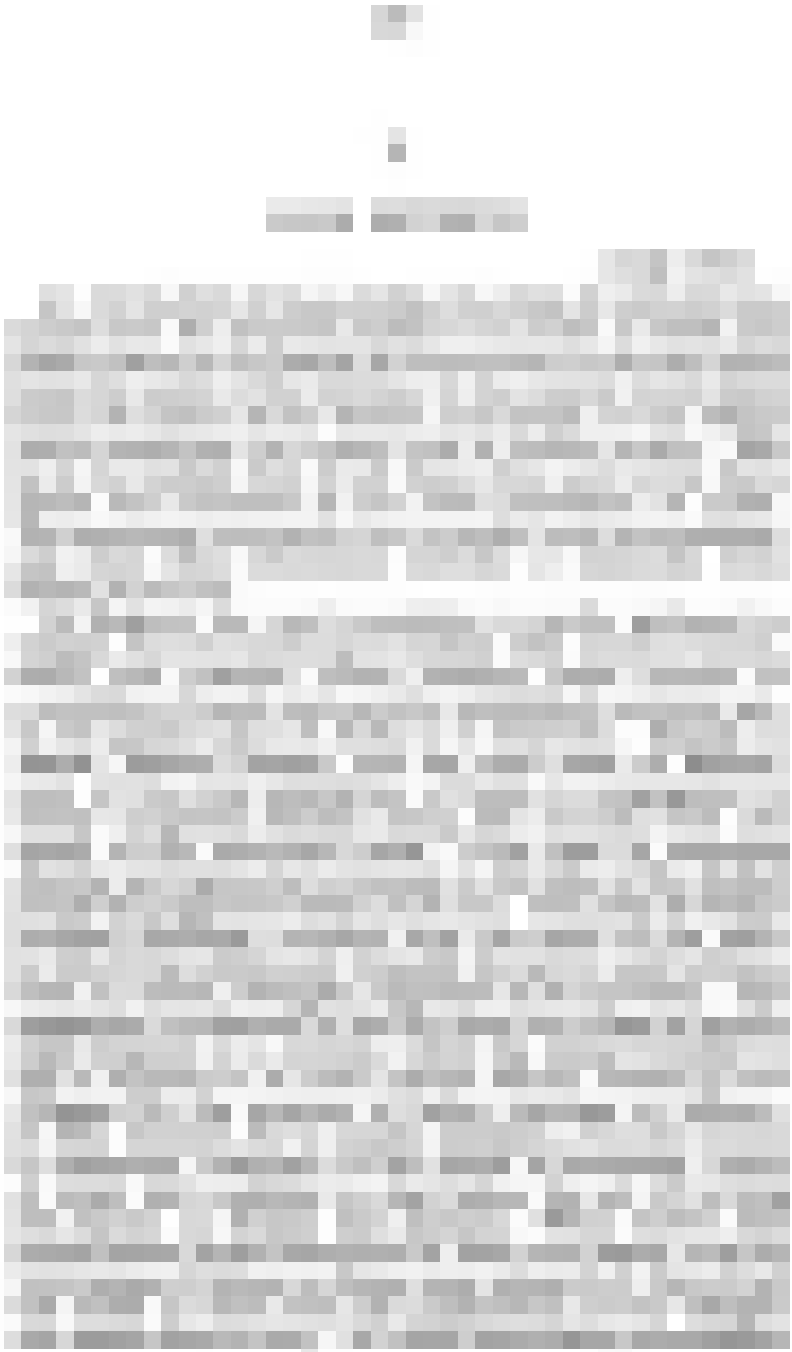
V

LAND REVENUE

(*July* 1917)

§ 1. In the first of these studies, the chain of authority was traced from the Imperial Cabinet in London to Delhi and Simla, thence to the capital of the province, to the city which forms the centre of the division, to the country town which forms the centre of the district, and finally, to the village which constitutes the typical unit of Indian society. But let it be realized that in all these cities and towns there dwells but one-tenth of the total population of India. The remaining nine-tenths live in purely rural surroundings, and draw their subsistence directly or indirectly from tillage of the soil.

In England the rural population is partly gathered in villages, but the landscape is dotted with country houses, farms, and cottages, whose isolation bears witness to a condition of peace and security established centuries ago. In the greater part of India it is otherwise. Except in Assam, Eastern Bengal, and the west coast of Madras, most of the rural population of India is congregated in closely congested hamlets rising like mounds from the centre of the cultivated fields. Long ages of recurring disorder and rapine have imposed on the mass of the Indian people the gregarious habits of the ant. The mass of thickly crowded dwellings, moulded from the earth of the plain in which they stand, and threaded by narrow and tortuous lanes, is, indeed, strangely suggestive of an ant-heap. The suggestion is enhanced by the fact that the village is usually super-imposed on a mound, which the casual traveller is apt to suppose to be some natural hillock, chosen by the villagers for the purpose of better drainage or defence. In this, however, he is usually mistaken; for the mound is commonly composed of the debris of dwellings, many of which had crumbled to dust before the art of writing was known or history had dawned. When wolves still howled where Notre Dame and St. Paul's now stand, and the very names of Athens or Rome were unheard of, there lived and toiled on these sites the predecessors of the villagers who tenant them to-day. It is with some feeling of reverence



that the western parvenu should view these populous mounds, and know himself to be but a creature of an hour. Nearly nine-tenths of the people of India live in such villages, which number 728,605 with an average population of 364.

To an Englishman the word 'village' suggests merely the church and the houses which cluster round it. In Anglo-Indian terminology it signifies rather what the Englishman would express by the word 'parish'.[1] It includes the cultivated lands, and often, some commonage, which surround the hamlet. It is from these surrounding lands that the subsistence of the villagers is drawn. But unlike the English parish, the villages do not cover the face of the whole country. There are tracts which are waste or covered with jungle, very largely the property of government, which are not included within the area of any village. Such waste, when privately owned, is usually included in a village.

§ 2. It is from the produce raised on the fields by the villagers, that revenues have been drawn which have enabled a succession of conquerors to rear kingdoms and empires in India. Their thrones have always depended upon the continuance of their ability to collect these revenues. By immemorial tradition the ruler has been entitled to a portion of the grain heaps collected in the village when harvesting is done.

Thus Sir John Malcolm quotes the Mahabharata as alluding to the origin of kings: 'Mankind' (says the author) were continually

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Another officer writes: 'I am not sure of the comparison. "Parish" seems to denote a well-ordered village with church, &c., and a number of scattered farms with one or two good metal roads running through it, and lanes for the rest. This gives a false idea of my idea of the Indian village.

'The main site or "abadi", with possibly a few scattered "purwas" (hamlets). The rest nearly all under cultivation, though there may be some groves and now and again some scraps of jungle. The villages lie very often with nothing to separate them from the next village, and internally they have the most primitive means of communication.

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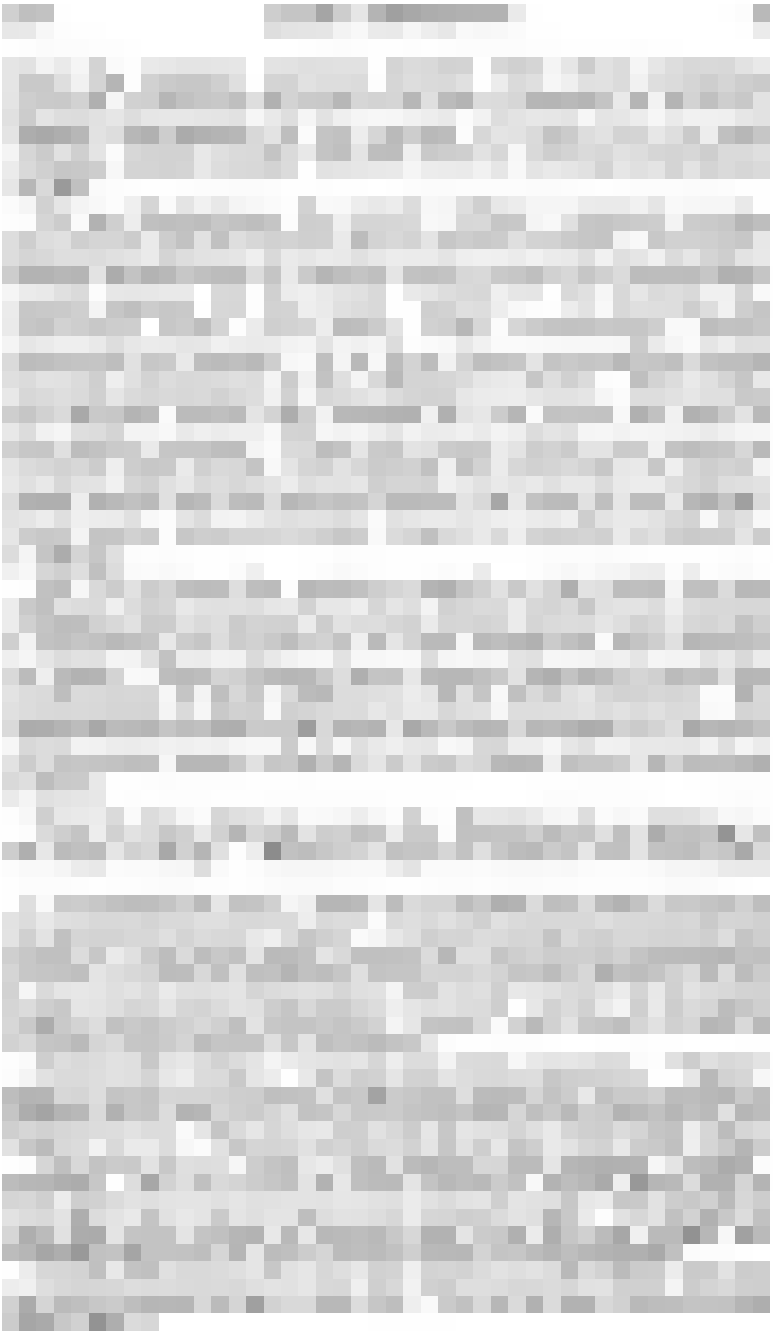

opposing each other, and they at last went to Brahma to ask him to appoint a king over them. Manu was directed to be their king. He replied, 'I fear a sinful action: government is arduous, especially among ever-lying men.' They said, 'Fear not; you will receive a recompense: of beasts a fiftieth part, and also of gold, and we will give you a tenth of the corn, increasing your store,' &c. Manu (chap. vii, 127–30) says: 'Of cattle, of gems, of gold and silver, added each year to the capital stock (the king's share) is a fiftieth part, of grain an eighth part or a sixth or a twelfth, according to the difference of the soil and the labour necessary to cultivate it.' In chap. xv, 118, it is admitted that the share may be raised to one-fourth of the crops at a time of urgent necessity, as in war or invasion; and so the tax on the mercantile classes may be raised. It was noticed that in Alexander's time the cultivators were already contributing one-fourth of the grain. In the great southern Hindu kingdom of Bijanagar or Vijayanagar (which lasted till the middle of the sixteenth century), the Minister Vidyaranya declared that a king who took more than one-sixth 'shall be deemed impious in this world, and shall be cast into hell-flames in the next'.

From the many allusions in books, it seems probable that, as long as the old kingdoms were at peace, the traditional sixth was adhered to. The king had no expanding administrations nor demands like those on a modern government; and as long as the revenue share came in regularly, and as it was moderately increased by increase of cultivation and by the other tolls and dues which the king levied, he had no great temptation to raise the share, at any rate formally and openly. But there always comes a time when invasion and war and other difficulties disturb affairs; and in later days we shall find Hindu kingdoms, no less than others, raising the revenue freely.[1]

The learned author then adds in a note:

It should be remembered with reference to the supposed moderation of the one-sixth, that it really represented little more than a charge for the royal 'privy purse'. No public works, no army, and no police had to be maintained out of it. The army was supported by the estates on the feudal system, and so with the police as far as there was any distinct from the military force. And when the great tanks, bathing-places, and other works which are now looked on with just admiration as showing the wealth, power, and wisdom of the old kings, were made, it was chiefly by unpaid labour, or at least by labour fed with food taken from the neighbourhood. All this cannot be ignored in comparing the modern system with the ancient.[2]

That ancient Hindu code, the laws of Manu, prescribes that one-twelfth, one-eighth, or even one-quarter of each

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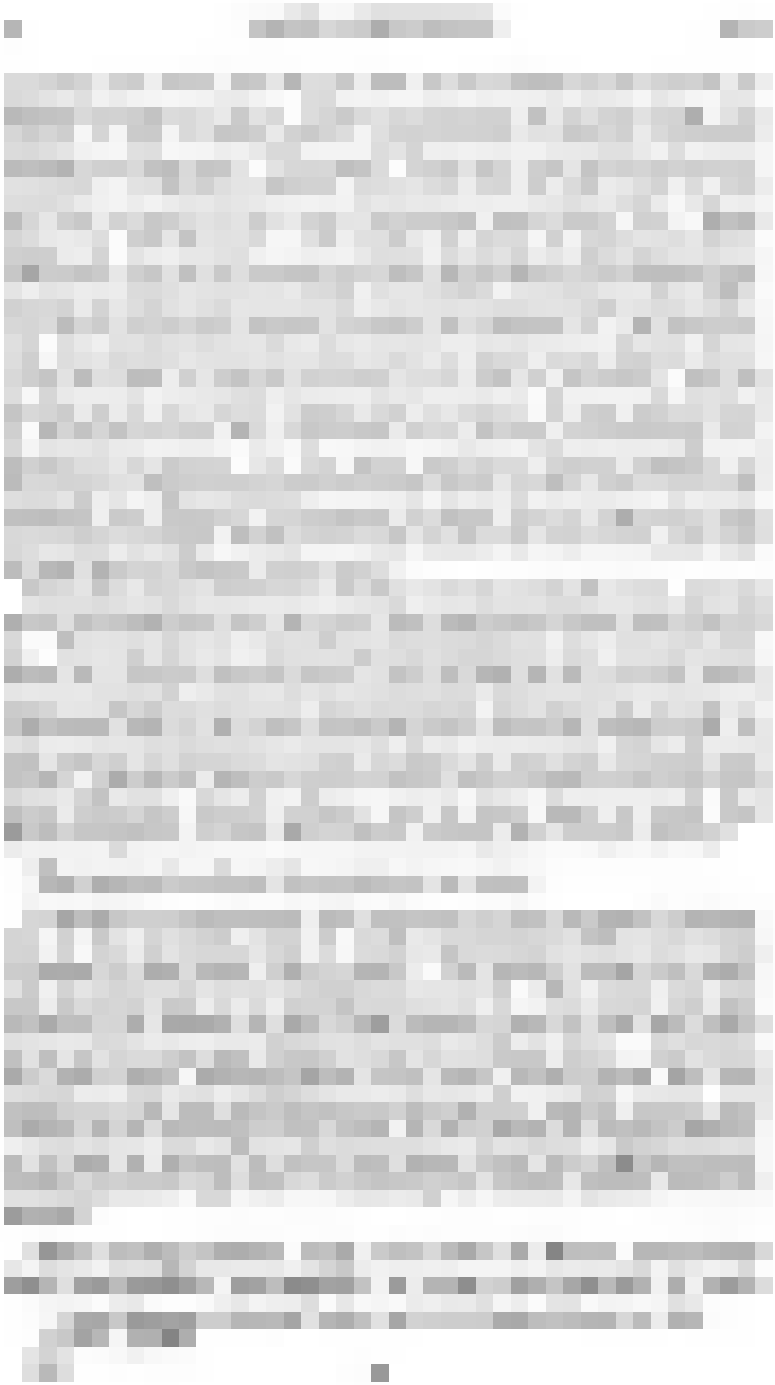

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It is unnecessary, however, to go into further detail, because, whatever was the early practice, and whatever its causes and its duration, it is quite certain, as Campbell remarks, that in later times the practice in all States—a practice that can be traced back before the end of the seventeenth century, at any rate—was to take a half of the grain in some cases and in places where money assessments were levied, as much as could be got without driving the raiyats to abscond into the jungle, and by the carefully elastic mode of exaction which the old rulers were so clever in applying.[2]

Such was the view adopted by the Mughal emperors and reduced to a system by Akbar the Great. His principal reform consisted in fixing the revenue on each holding for a period of years, but subject to revision from time to time, so as to let the cultivator know where he stood, and also in converting the revenue where possible from a payment in kind into a cash rent. This clearly implied that the state was the real owner of the soil, and the revenue derived by the state was not a tax but a rent. For this purpose a cadastral survey was made and a doomsday book compiled like that which William the Conqueror compiled for England. The officers, through whose agency these surveys and records were framed, were the patwaris, or village accountants, supervised by kanungos, in charge of a larger area called the pargana.

§ 3. The collection of the revenues was doubtless farmed out to contractors; but at least there were data by which the exactions of the revenue farmers could be checked, so long as the authority of the central government at Agra or Delhi remained effective.

As a matter of fact, in the best days of Mughal rule, moderation and control over collecting officers were duly observed; but no

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As the Mughal power decayed, the survey and records became obsolete, and the worst evils of revenue farming became rampant. The revenues of districts or even provinces were presented to favourites, or else used to conciliate dangerous satraps. It was in accordance with this practice that rights to collect revenue in Bengal were conceded to the British East India Company, and also to Clive in person. The extension of British dominion has everywhere meant an assumption of the right to collect the revenues and finally of the Mughal claim to the general ownership of the land.

We find that in modern times, all Native States claimed, and still claim, to be *de facto* owners of every acre of soil in their States, and have taken as much land-revenue as they could get without seriously starving the people.[2] . . . It will be found that, in spite of the weight of law-books and commentaries, we shall end, in India, with finding that, as already stated, the King or the State claimed to be the only owner or landlord of all land. At least that certainly had come to pass by the end of the eighteenth century.[3] . . . Certainly, however, the Governments of that time did, and the native governments of the present day do, make a claim to be landlords of all land—but they should rather base such a claim on conquest and the disorders of later times, than on any of these ancient authorities. Putting aside the obvious mistake about 'ancient usage' it is hardly possible that Mr. James Grant, and Colonel Munro, and many others, could have been mistaken about the fact that in their time all governments did claim to be land-owners; and, as I said, it is quite certain that the Nizam and other rulers make the same claim now.[4]

With reference to the extent to which these claims were adopted by the British Government, Baden-Powell remarks—

I think, on the whole, what was meant by the various declarations in the Regulations and elsewhere, was this; that the Government claimed to succeed to the *de facto* position of the preceding ruler only so far as to use the position (not to its full logical extent but)

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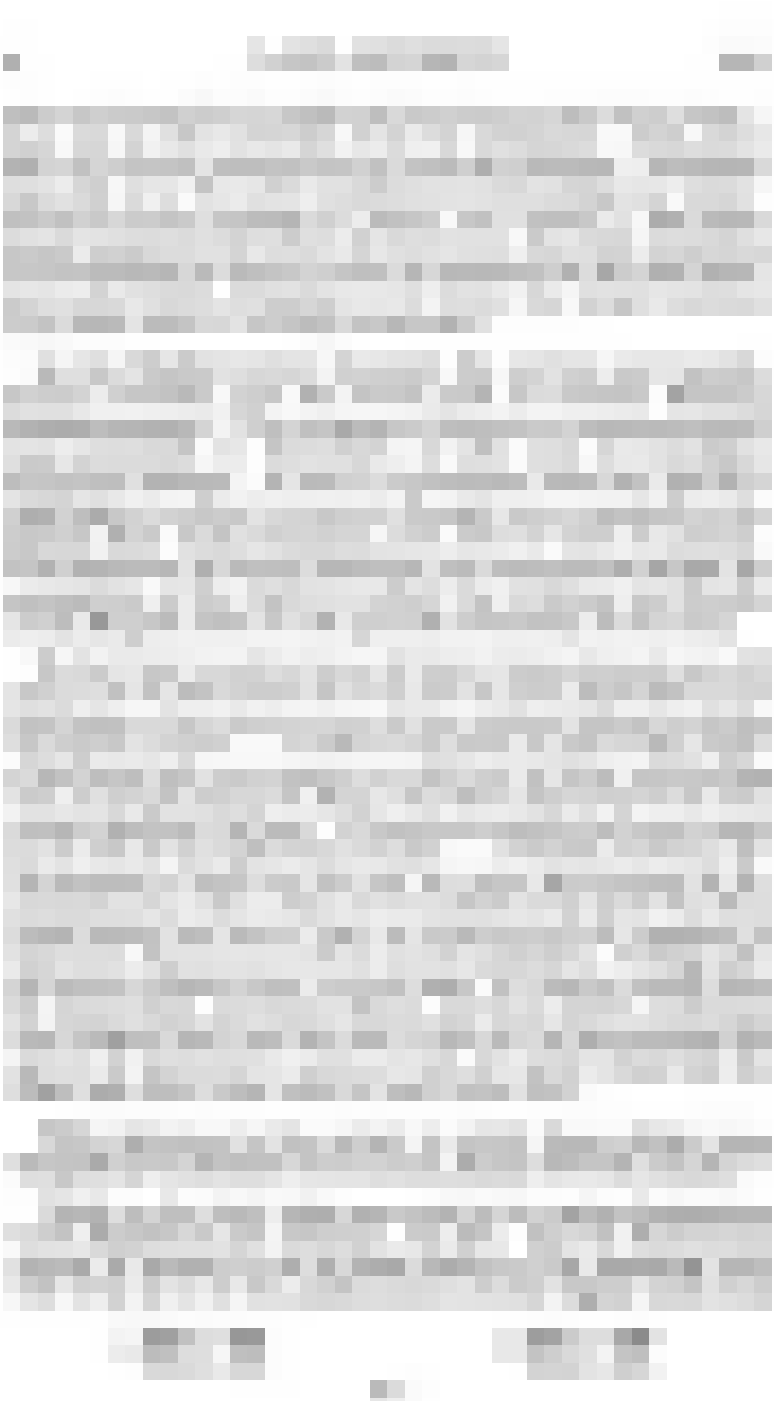

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as a *locus standi* for redistributing, conferring, and recognizing rights on a new basis.

And the outcome of the action taken by the Government was this—that it at once recognized certain rights in private individuals, and only retained such rights for itself as were necessary.

The power to make this distribution was no doubt based on the *de facto* power of the Government to dispose of all land.

I may exhibit the main features of the disposition of landed rights made by Government under five heads.

(1) Government used its own eminent claim as a starting-point from which to recognize or confer definite titles in the land, in favour of persons or communities that it deemed entitled.

(2) It retained the unquestionable right of the State to all waste lands, exhibiting, however, the greatest tenderness to all possible rights either of property or of user, that might exist in such lands when proposed to be sold or granted away. This right it exercised for the public benefit, either leasing or selling land to cultivators or to capitalists for special treatment; thus encouraging the introduction of tea, coffee, cinchona, and other valuable staples. Or it used the right as the basis for constituting State Forests for the public benefit, or for establishing Government buildings, farms, grazing grounds, and the like.

(3) It retained useful subsidiary rights such as minerals, or the right to water in lakes and streams. In some cases it has granted these away, but all later laws reserve such rights.

(4) It retained the right of escheat; and of course to dispose of estates forfeited for crime, rebellion, &c.

(5) It reserved the right necessary for the security of its income (a right which was never theoretically doubtful from the earliest times) of regarding all land as in a manner hypothecated as security for the land revenue. This hypothecation necessarily implies or includes a right of sale in case the revenue is in arrears.

After Government has so distinctly conferred proprietary rights in land, any later use of the term 'universal landlord', as applied to Government, can only be in the nature of a metaphor, or with reference to the ultimate claim of Government alluded to in the last paragraph or that which arises in case of a failure of heirs.

The only function of a landlord that a Government exercises, is the general care for the progress of the estates; making advances to enable the cultivators to sink wells or effect other improvements; advancing money for general agricultural purposes (under special Acts); suspending or remitting the demand for revenue owing to famine or calamity of season.

The land revenue cannot then be considered as a rent, not even in raiyatwari lands, where the law (as in Bombay) happens to call the

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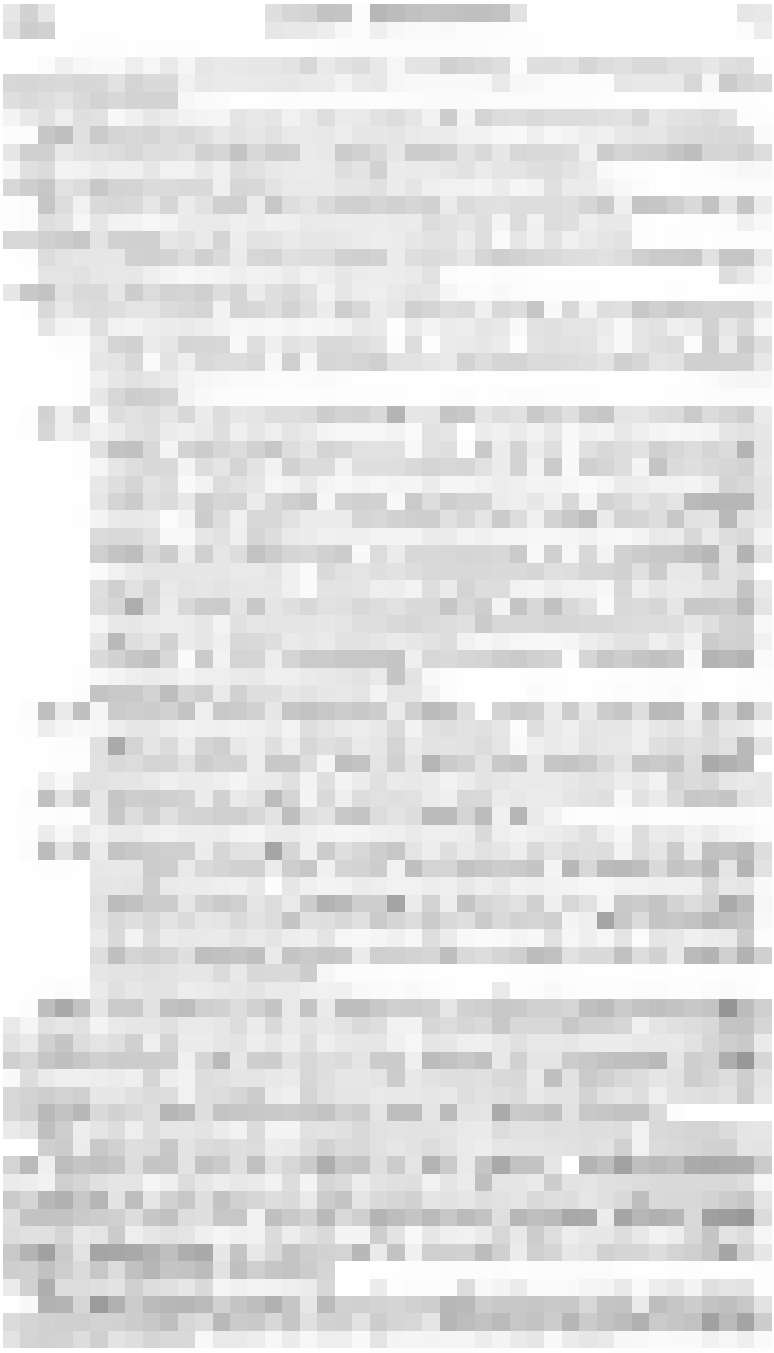
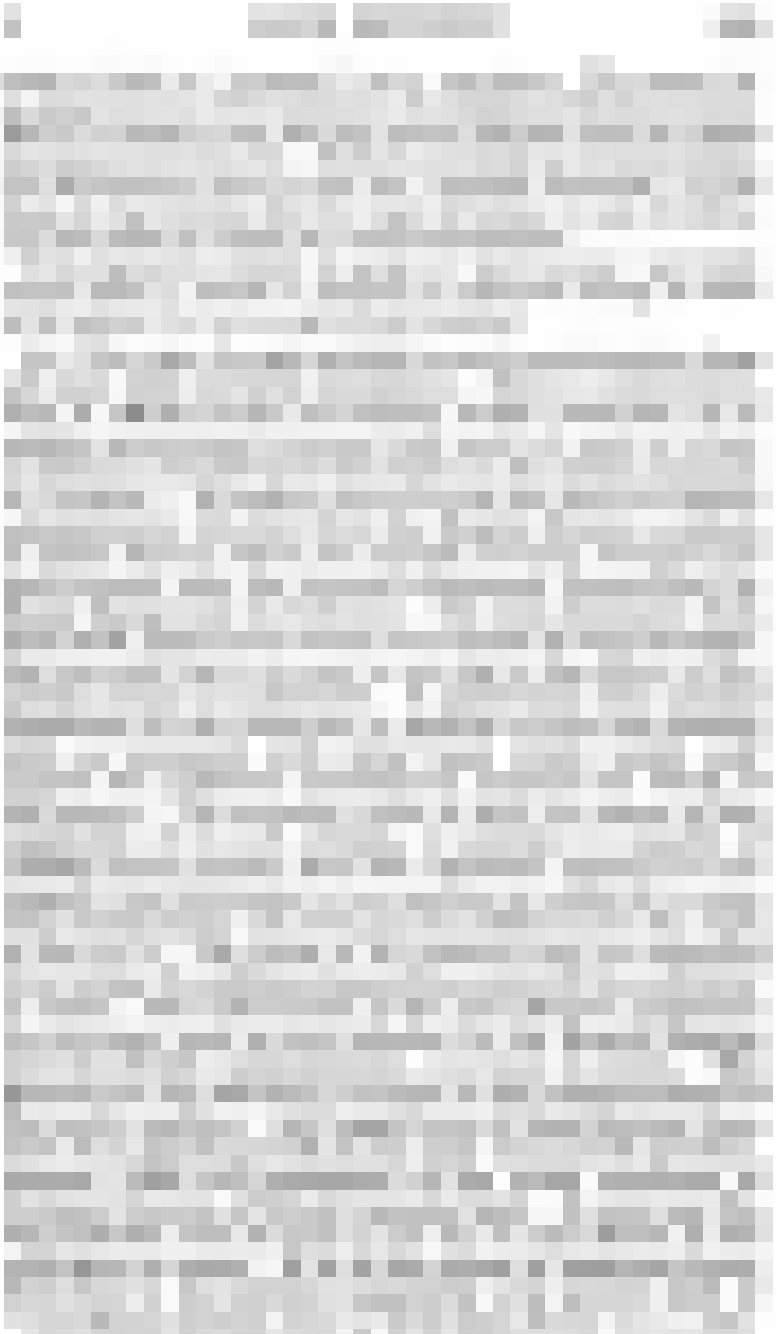


holder of land an 'occupant', not a proprietor. The reason for adopting this term will be noticed in the chapter on Bombay tenures. Here it is enough to say that the special definition does not entitle Government to a true rent. Nowhere, and under no revenue system, does Government claim to take the 'unearned increment', or the whole of what remains after the wages of labour, or cost of cultivation and profits of capital, have been accounted for.

If we cannot be content to speak of 'land revenue' and must further define, I should be inclined to regard the charge as more in the nature of a tax on agricultural incomes.[1]

§ 4. This view, though entitled to much consideration, does not meet with universal acceptance. There is controversy, both in official circles and among Indian publicists, as to whether government revenue from land is a rent or a tax. A decision is evaded by its description in the Indian accounts as 'revenue'. It remains true none the less that the British administration inherited from the Mughal Empire a system of public finance which was capable of being brought into strict accord with the theories afterwards propounded by Henry George and his followers. The rent obtainable from land itself, apart from returns on account of improvements, the true rent that is to say, is not due to the efforts of the private owners or cultivators. It arises from some natural superiority in the character or position of the rent-bearing land, as compared with other land, which would only support the cultivator provided he received the whole of the returns. The moment a plot of land, by reason of the superiority of its soil, climate, or position, is capable of yielding more produce than the cultivator requires for his support, that cultivator is in a position to sublet it to some other husbandman who will pay that difference for the right to live on it. The value of its products may be enhanced by a variety of conditions beyond the control of the cultivator or owner. The enforcement of law and effective protection by the state, such as was afforded by the Mughal Empire and the British administration, are cases in point. The growth of a city affording a market in the neighbourhood of the land is another. And apart from all these factors there must be a general growth in the cash value of the produce, because, while the population of the world continues to increase, the area of its soil remains fixed. In any case the *true economic rent* of land is not due to the efforts of the cultivator or owner. It is of the nature of unearned increment due to its intrinsic superiority over poorer land or

[1] *Land Systems of British India*, by B. H. Baden-Powell, vol. i, p. 234.



holder of land an 'occupant', not a proprietor. The reason for adopting this term will be noticed in the chapter on Bombay tenures. Here it is enough to say that the special definition does not entitle Government to a true rent. Nowhere, and under no revenue system, does Government claim to take the 'unearned increment', or the whole of what remains after the wages of labour, or cost of cultivation and profits of capital, have been accounted for.

If we cannot be content to speak of 'land revenue' and must further define, I should be inclined to regard the charge as more in the nature of a tax on agricultural incomes.[1]

§ 4. This view, though entitled to much consideration, does not meet with universal acceptance. There is controversy, both in official circles and among Indian publicists, as to whether government revenue from land is a rent or a tax. A decision is evaded by its description in the Indian accounts as 'revenue'. It remains true none the less that the British administration inherited from the Mughal Empire a system of public finance which was capable of being brought into strict accord with the theories afterwards propounded by Henry George and his followers. The rent obtainable from land itself, apart from returns on account of improvements, the true rent that is to say, is not due to the efforts of the private owners or cultivators. It arises from some natural superiority in the character or position of the rent-bearing land, as compared with other land, which would only support the cultivator provided he received the whole of the returns. The moment a plot of land, by reason of the superiority of its soil, climate, or position, is capable of yielding more produce than the cultivator requires for his support, that cultivator is in a position to sublet it to some other husbandman who will pay that difference for the right to live on it. The value of its products may be enhanced by a variety of conditions beyond the control of the cultivator or owner. The enforcement of law and effective protection by the state, such as was afforded by the Mughal Empire and the British administration, are cases in point. The growth of a city affording a market in the neighbourhood of the land is another. And apart from all these factors there must be a general growth in the cash value of the produce, because, while the population of the world continues to increase, the area of its soil remains fixed. In any case the *true economic rent* of land is not due to the efforts of the cultivator or owner. It is of the nature of unearned increment due to its intrinsic superiority over poorer land or

[1] *Land Systems of British India*, by B. H. Baden-Powell, vol. i, p. 234.

to the efforts of the community as a whole. The argument, therefore, is that this unearned increment should inure to the benefit, not of the individual cultivator or owner, but to the community as a whole. The followers of Henry George have urged that this unearned increment will suffice to meet all the public expenses, if reserved to the state, which will therefore be relieved from the necessity of imposing taxes properly so called. The school of economists holding these doctrines has been given the inappropriate name of single-taxers. Their real doctrine is that no taxes at all would be needed, if rent, and the increase in rent, were reserved to the service of the community which creates it. Whether from the name of the American thinker who first developed these doctrines, or from that of their greatest practical exponent, Mr. Lloyd George, they may with convenience be referred to as the 'Georgian principle'.

§ 5. Had Henry George lived and propounded these doctrines a century earlier, they would probably have exercised from the outset a determining influence on the history of the revenue system in India. Rarely has the government of an old and populous country been so well situated as the British administration was in the eighteenth century to claim the ownership of all the land and the public right to the gradual increase in the value of the rent it yielded. It inherited that claim from the Mughal Empire, and it also had, as an example to be followed, the system of Akbar, whereby a fresh valuation of the rent could be made from time to time, and the increase thereof could be realized for the service of the state.

If throughout India the land were re-valued periodically, if the true rent was ascertained, and if that amount, subject only to fair commission paid to intermediary collectors, accrued to the community at large, the ideals of Henry George would be nearer to realization in this ancient country even than in newer communities, to which they are *prima facie* more easily applicable. It might even have proved that the whole public cost of an administration so economical as that of India[1] might have been met from the growing

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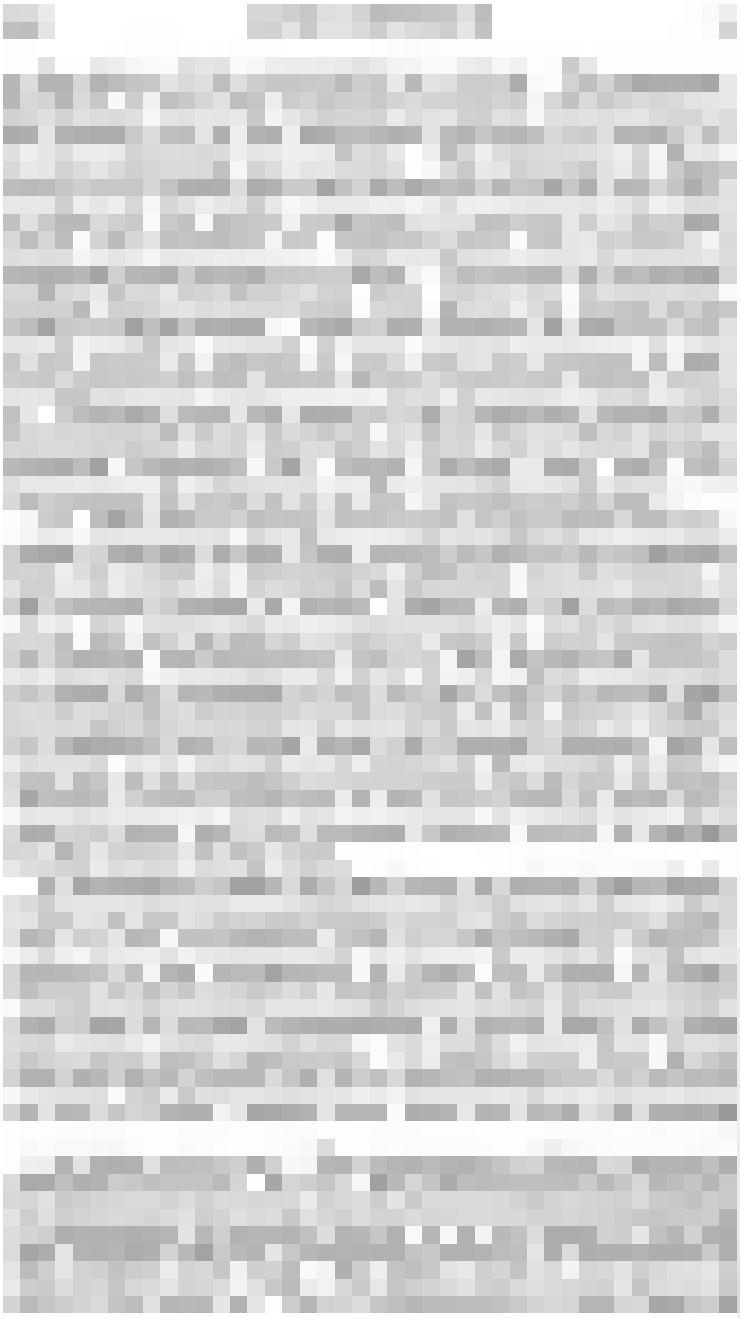

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value of rent without resort to taxation in the true sense of the word.

§ 6. Such were the possibilities, had they been foreseen, of a just distribution of the public burdens, when, in the time of Warren Hastings and his successor Lord Cornwallis, the British East India Company found itself entitled, by virtue of a direct grant from the Mughal Empire, to the public revenues of Bengal, Behar, and Orissa. The subsequent treatment of those revenues by the Company was influenced by two dominating factors.

In the course of one hundred and fifty years of disorder the surveys and records initiated by Akbar had practically disappeared. At that time, moreover, the Company had no trained staff at its disposal competent to frame such records anew.

In the second place the only system of land-tenure known to the Company and its officers was that established in England. The English landlord was then regarded as the backbone of the British constitution. The country gentleman, by virtue of his influence as a landlord, enhanced by his official position of justice of the peace, was the mainstay of public order and administration in his own countryside. From the income he drew he was expected to make improvements in the holdings of his tenants, and from the land he kept in his own hands to set an example of enlightened and progressive cultivation.

When the Company's officials addressed themselves to the task of collecting the land revenues of Bengal, they found that the zamindars or tax-farmers were the persons who had been liable for the payments to the government, and were, indeed, the only agency through which the revenue could be collected. Superficially the position claimed by the zamindars resembled that of the English landlords. The Company's staff, who knew more about trade than land-tenures, were in numbers as well as in training unequal to the task of compiling the elaborate data necessary to enable a collection to be made from the cultivators themselves. They, therefore, confined themselves to the task of determining with the aid of the kanungos,——

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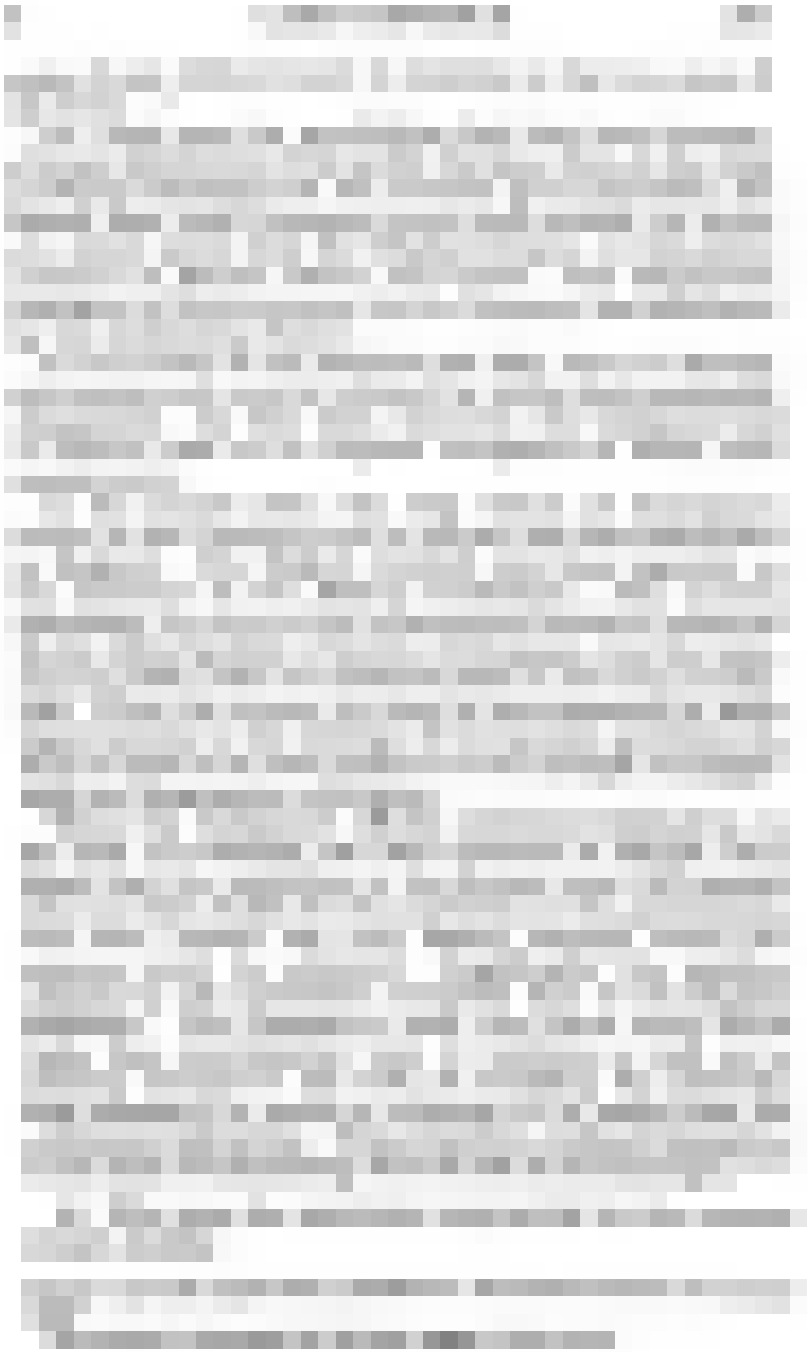

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At first these assessments were revised every ten years, and the zamindars were made responsible to the Company for 90 per cent. of the assessment, 10 per cent. being left to them as commission. It is a point always to be remembered that the assessments which preceded the permanent settlement of Bengal were not based upon any surveys or record of rights.

§ 7. The policy of recognizing the zamindars in Bengal was never in question. John Shore advised it no less than Cornwallis himself. The only point in dispute between Cornwallis and his able and experienced lieutenant was as to the expediency of the periodic revisions of the amounts for which the zamindars were to be made responsible. Contrary to the views of Shore, the argument in favour of putting the zamindars in the same position as the English landlords prevailed. The Directors agreed with the arguments of Cornwallis that the payments of the zamindars should be permanently fixed on the basis of the assessment of 1793.

The proclamation, after reciting that the Governor-General-in-Council had been empowered by the Court of Directors to 'declare the jumma which has been or may be assessed upon their lands . . . fixed for ever' went on to say: The Governor-General-in-Council accordingly declares to the zamindars, independent taluqdars, and other actual proprietors of land with or on behalf of whom a Settlement has been completed, that at the expiration of the term of the Settlement (ten years) no alteration will be made in the assessment which they have respectively engaged to pay, but that they and their heirs and lawful successors will be allowed to hold their estates at such assessment for ever.[1]

This meant the conversion of their liability to the state for the true rent, less a commission representing the cost of collection, to a quit rent or fixed tax on land similar to that imposed on English estates. They would thus become landlords in the true sense of the term, and the gradual increment of rent would then accrue to their own profit instead of to that of the public purse.

§ 8. From these funds, as Cornwallis believed, they would effect improvements on their estates in the spirit of a good English landlord. They would further be interested as a class to support the government which had made this

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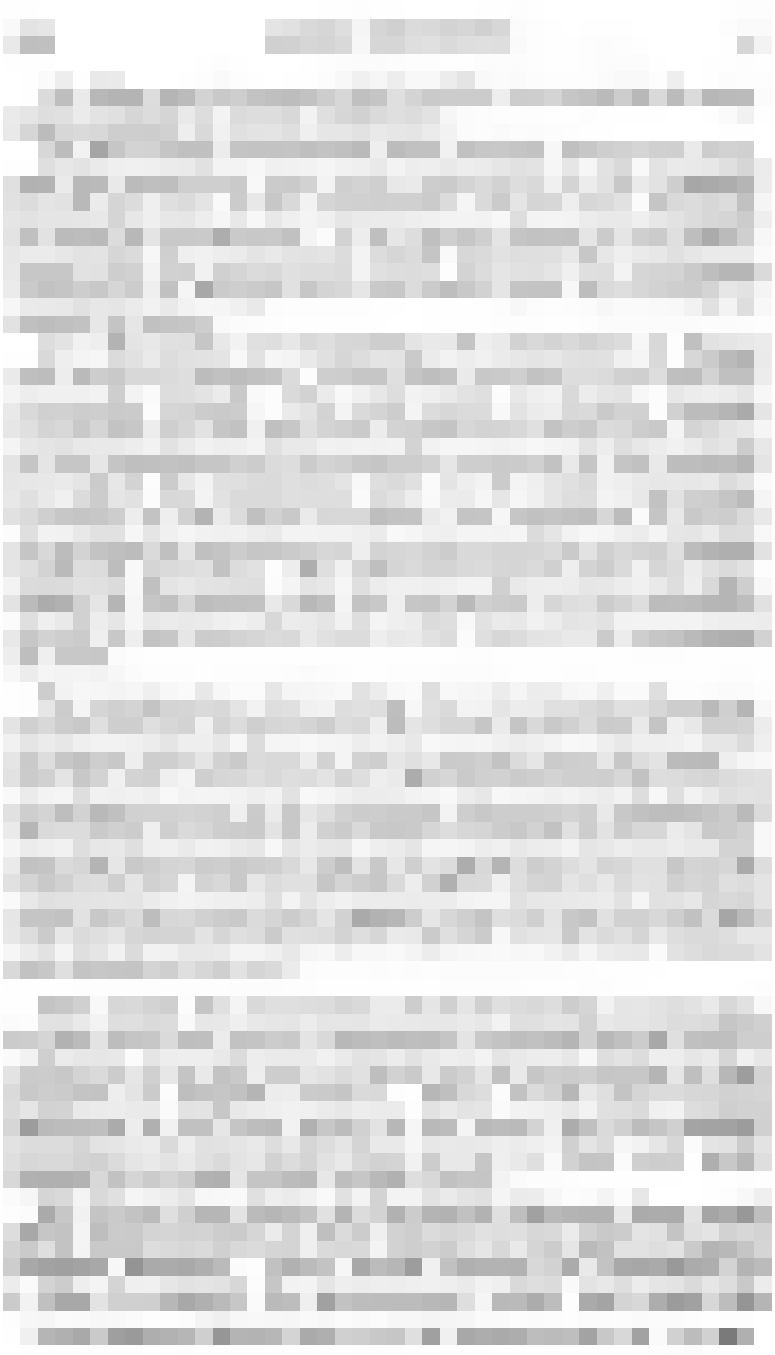

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§ 9. By this decision the freehold title was practically alienated by the state and vested in the zamindars, who were by origin the agents of the government for the purpose of collecting the rents. This system, known by the name of the Permanent Settlement, has been applied to five-sixths of the land in Bengal, Behar, and Orissa, to one-eighth of Assam, to one-tenth of the United Provinces, and to one quarter of Madras, which together represent one-fifth of the total area of British India and include the richest part of that area. The result is that this 20 per cent. of the area of British India yields only 16 per cent. of its total revenues from land. The relation of the revenue to the rent has now fallen from over 90 per cent. to less than 25 per cent.

§ 10. The effect on one particular district, Faridpur, is best stated in the words of the district officer.

The land tax is a legacy of the Permanent Settlement and has never been varied for over 120 years. When originally imposed it nominally represented 91 per cent. of the rent paid by the cultivators of the soil, the remaining 9 per cent. being retained by the agents who collected the rent. There seems reason to believe, however, that it really represented a much smaller proportion of the rent and that the land-owners who collected it retained a much larger proportion than was intended. In any case the effect of the Permanent Settlement was to convert tax collectors into landlords and to assure to them the natural increase in value which peace and growing prosperity and population would confer upon the land. Had the Permanent Settlement not been effected the whole of this increase would have become land tax payable to the Central Government; it now goes to the landlords, who have thereby secured about 2,400,000 rupees or £160,000, their profits from the land having increased six-fold since the Permanent Settlement was concluded, while the land tax remains at the same figure, £40,000, at which it was fixed 120 years ago.[1]

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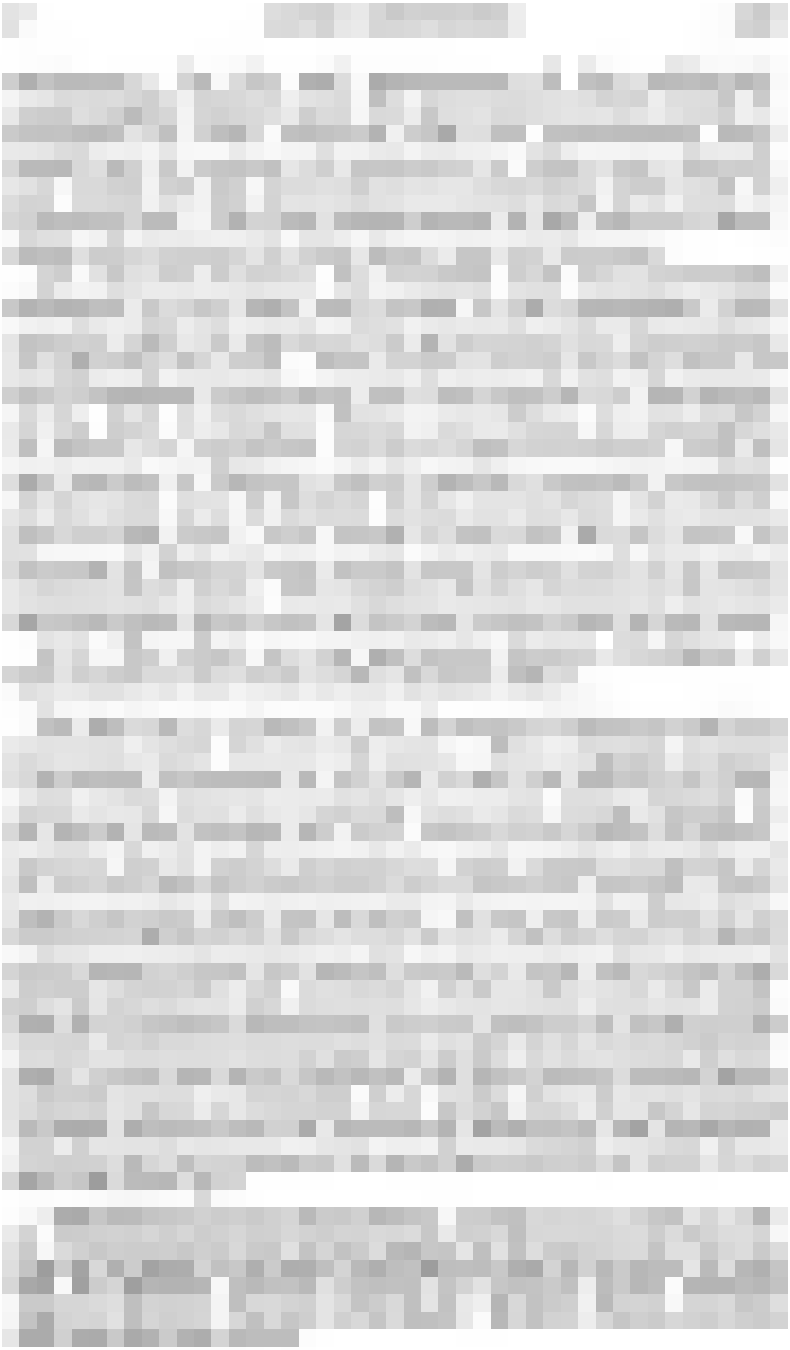

Ten years ago the loss to the public revenues was estimated at 9 crores of rupees at least, or about £6,000,000. That loss has either to be met by taxpayers other than the zamindars, or the people of India must forgo benefits in the shape either of education or of some other service to the extent of £6,000,000 per annum.

§ 11. The social benefits reaped by the permanent settlement have not been commensurate with the hopes entertained by Lord Cornwallis. To a certain extent the larger zamindars have supported the existing fabric of government, and have acted as pillars of law and order. On the other hand government has been forced to intervene to protect the tenant against the landlord. As in Ireland a series of laws have been passed on the subject. Applied to a people by nature litigious these laws have led to a mass of litigation which ever increases—and a consequent growth in the number of lawyers. Not merely the substance of the people, but the energy which might be devoted to increasing that substance, is wasted on law-suits.[1]

§ 12. Since the share in the produce of land due to the government was fixed, the rent obtainable by the landlords has largely increased. But the value of the improvements effected by them on their land has been negligible.

For one thing the funds available for improvements, instead of remaining in the hands of a single landlord responsible for making improvements on one estate, have largely been subdivided. 'A Bengal record-of-rights is in itself a totally different and infinitely more formidable document than anything of its kind elsewhere.' (The United Provinces, for instance.)

Referring to the difficulty of recording these subdivisions, the Bengal District Administration Committee, which reported in 1914, goes on to say :

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The growth of litigation is of course due to a number of contributory causes, of which the tenancy laws are one. Tenancy laws exist not only in the permanently settled areas, but wherever a system of zamindari is in vogue

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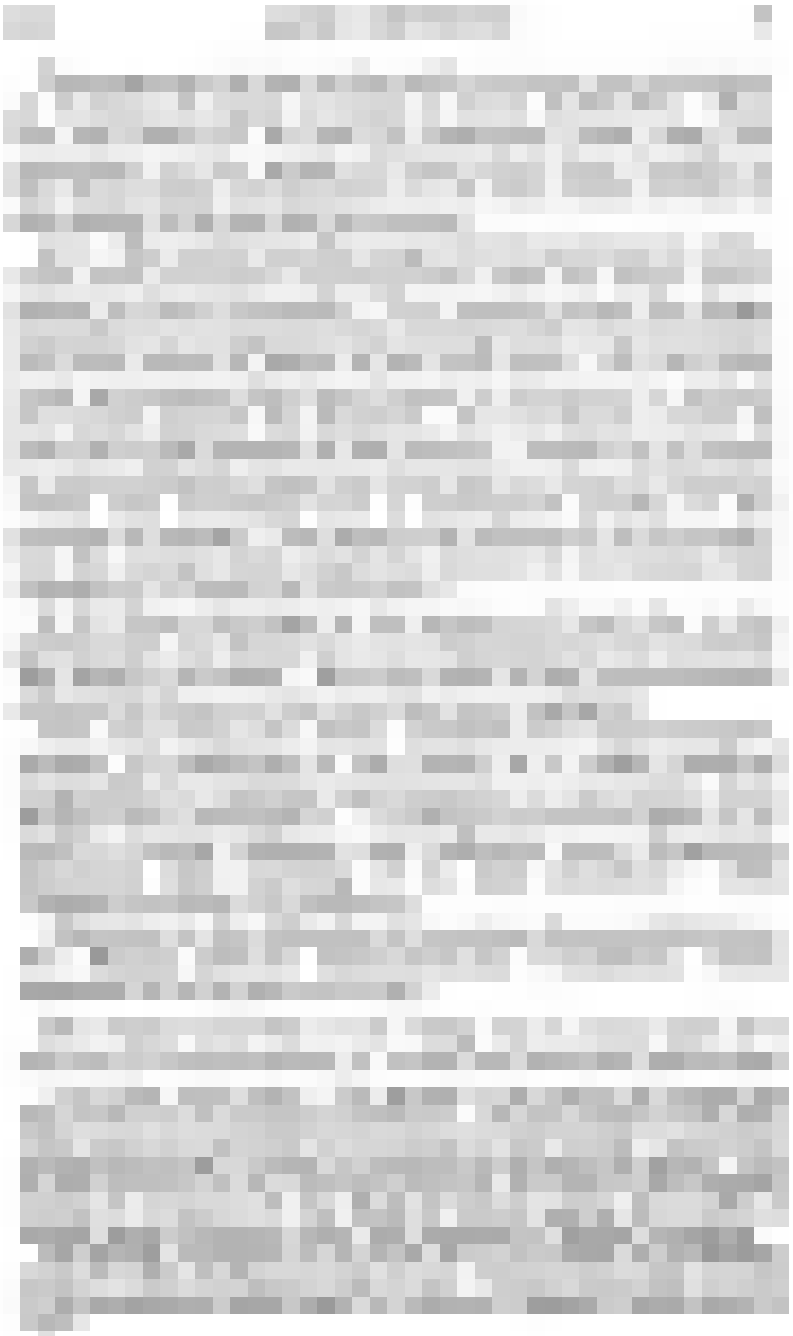

that require a skilled agency to trace out and record. Where proprietary tenures are quite commonly found 7 and 8 deep and in some cases 12, 15, or even 17 tenure holders are recorded one below the other; where each of these strata of proprietorship is divided up among equally numerous sharers; where a single proprietor very frequently holds tenures in several of these strata; and where finally most of the tenure holders are absentees and not continuously represented in the village: here is a state of things in the face of which an agency like that in the United Provinces and Central Provinces would be entirely helpless.[1]

These sub-infeudations were the direct result of the British settlement. Under Mughal rule the tax-farmers' rights were not so firmly established as to be capable of sale. No one would buy them. But no sooner were the zamindars recognized and registered by the Company than their rights became negotiable. They discovered they had property which could be sold for cash. And people with money to invest were willing to buy, because they found that the rights purchased were really enforcible in the courts established under British rule. It is a tragic fact that an immense impetus has been given to the habit of litigation by the efficacy and purity of British justice.[2]

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An Indian critic writes to the same effect. 'The impetus to the habit of litigation has been ascribed to the efficacy and purity of British justice.

'That along with much efficacy there is a lot of inefficacy in the administration of justice in this country, and this inefficacy is one of the principal causes of the increase of litigation is an unpleasant fact seldom recognized. An efficient court of justice can attract none but those who have a just claim or real grievance to put forward, and unnecessary and improper litigation cannot flourish in such a court. But, as our system of law is highly technical and suited for thwarting justice by those who may be interested in doing so, and as competent men among the judges in the districts happen to be there only by accident, the dishonest and professional litigants flourish so well as they could never have flourished under any other system. Till very recently men who were appointed district judges (whose duty among other things was to hear appeals from decrees of lawyers, judges of long experience, subordinate to them) used to be entirely ignorant of civil law. The change recently introduced, in some respects, makes matters worse, but it will be out of place to go into detail here. The subordinate judges and munsiffs are generally recruited from members of the bar who either have failed in the profession or have no prospect of success. The ability shown by many District Judges and their subordinates is in spite of the system of selection and not on account of it. How the technicalities of the law and the inability of the courts to deal with them properly thwarts justice will appear from the following quotation

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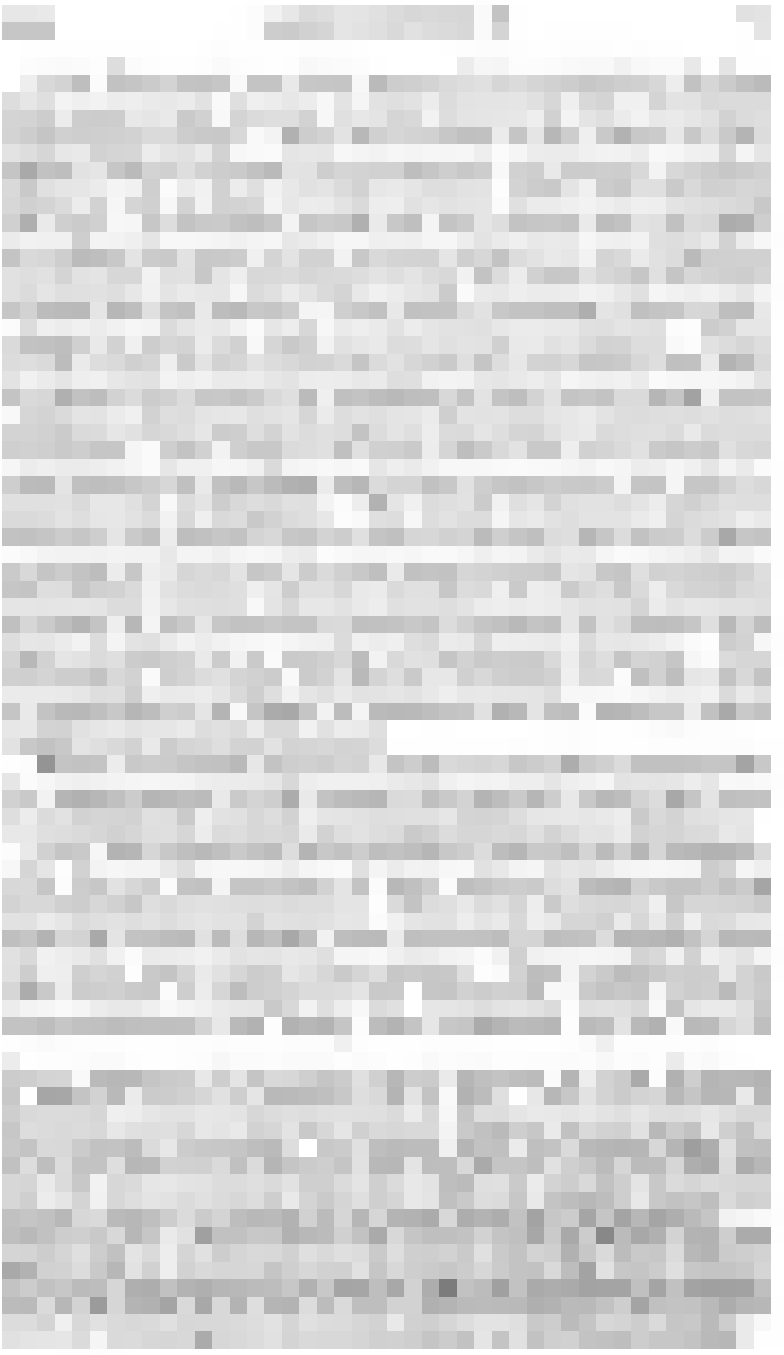
'That along with much efficacy there is a lot of inefficacy in the administration of justice in this country, and this inefficacy is one of the principal causes of the increase of litigation is an unpleasant fact seldom recognized. An efficient court of justice can attract none but those who have a just claim or real grievance to put forward, and unnecessary and improper litigation cannot flourish in such a court. But, as our system of law is highly technical and suited for thwarting justice by those who may be interested in doing so, and as competent men among the judges in the districts happen to be there only by accident, the dishonest and professional litigants flourish so well as they could never have flourished under any other system. Till very recently men who were appointed district judges (whose duty among other things was to hear appeals from decrees of lawyers, judges of long experience, subordinate to them) used to be entirely ignorant of civil law. The change recently introduced, in some respects, makes matters worse, but it will be out of place to go into detail here. The subordinate judges and munsiffs are generally recruited from members of the bar who either have failed in the profession or have no prospect of success. The ability shown by many District Judges and their subordinates is in spite of the system of selection and not on account of it. How the technicalities of the law and the inability of the courts to deal with them properly thwarts justice will appear from the following quotation

§ 13. The result was that many of the zamindars, finding how easy it had become to raise money by sale, developed extravagant habits. Then the increase in the value of their rights, which followed the permanent settlement, enabled them to sell a share of their income, while still retaining the rest. A zamindar would sell for a lump sum the right to collect the rents of his estates subject to an obligation on the part of the purchaser to pay the seller and his heirs a fixed sum per annum. Thus while retaining a fixed rent-charge he sold the right to the further increment. Then as the value of the increment grew the purchaser was able to repeat the process by retaining a fixed rent-charge and selling to a third party the right to the balance and the future increment. The object of these sales was not merely to raise money for marriage and other ceremonies, but also to pay the cost of litigation. The result is that the rights to land are now divided into a series of strata, which are often as many as 7 or 8 and in some cases double those numbers. The Hindu custom whereby members of a family continue to share in one inherited property operates to divide each layer of rights by a number of horizontal divisions. The accounting and legal machinery necessary to work such a complication of rights in practice eats up money which ought to go back into the land.

Where Cornwallis hoped to make one landlord responsible for improvement of the estate, the general result has been so to divide the control and responsibility as to destroy it.

§ 14. The system has thus tended to multiply rent chargers, who live on the produce of land without doing anything by their labour to increase it. These rent chargers, divorced from the habit of tillage, have increased more rapidly than the rents upon which they subsist. They constitute the class known in Bengal as the bhadralok, whose growing impoverishment has lately been enhanced by the rise in

from a judgement of the Privy Council delivered by Lord Hobhouse in 1896 (see I.L.R. 19 Allahabad 155 at 160): 'This case exhibits as lamentable a waste of time and money in litigation as ever came under their lordships' observation. An account which the plaintiff asked for in the year 1879, and to which his right was affirmed in the year 1880, has not even been commenced (that is, in 1896), *the defendant having been allowed to delay it by objections to the formal regularity of the procedure.*' . . . Then at p. 165: 'Their lordships will humbly advise His Majesty that the appeal ought to be dismissed, and the decree of the High Court affirmed. Whether a fresh reference to the district judge will bring about an examination of the merits of the case, or only a renewed tossing of it from court to court, is, having regard to its previous history, a very obscure problem.'



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prices. Largely drawn from the scholarly castes, the Brahmins and Kayasths, they have destined their sons for the clerical professions, more especially for government service and the law. Hence the demand for English education. The policy of government has encouraged this tendency. Had government thought from the outset of fitting the people for the various and rapidly changing conditions of life, their administration might have contributed more in the end to moral and political as well as to material progress. They thought rather of implanting in India the kind of literary culture familiar to graduates of Oxford and Cambridge in the days of Macaulay. But this educational ideal, such as it was, was largely obscured and distorted by a desire to make the system subserve an administrative end. From the first the system was designed largely for the purpose of training young men for the public service. The only utilitarian purpose they kept in view was a dangerously narrow one. As in England itself the rulers of India were slow to foresee that times were at hand when nations must fail in the race unless they are trained for the place in the state which they are called upon to fill. If the millions of India were to wake from their long sleep and compete in the race, it was necessary that their youth should be trained to agriculture and industry no less than to official life.[1]

§ 15. Generally speaking there is little or no demand on the part of private employers for the products of the educational system. Technical education has been attempted, but on lines so theoretical that 'it has provided no Indian employés for the great local industries of Calcutta, and a notoriously large number of its students take up employment for which their special training is of little use. Institutions which

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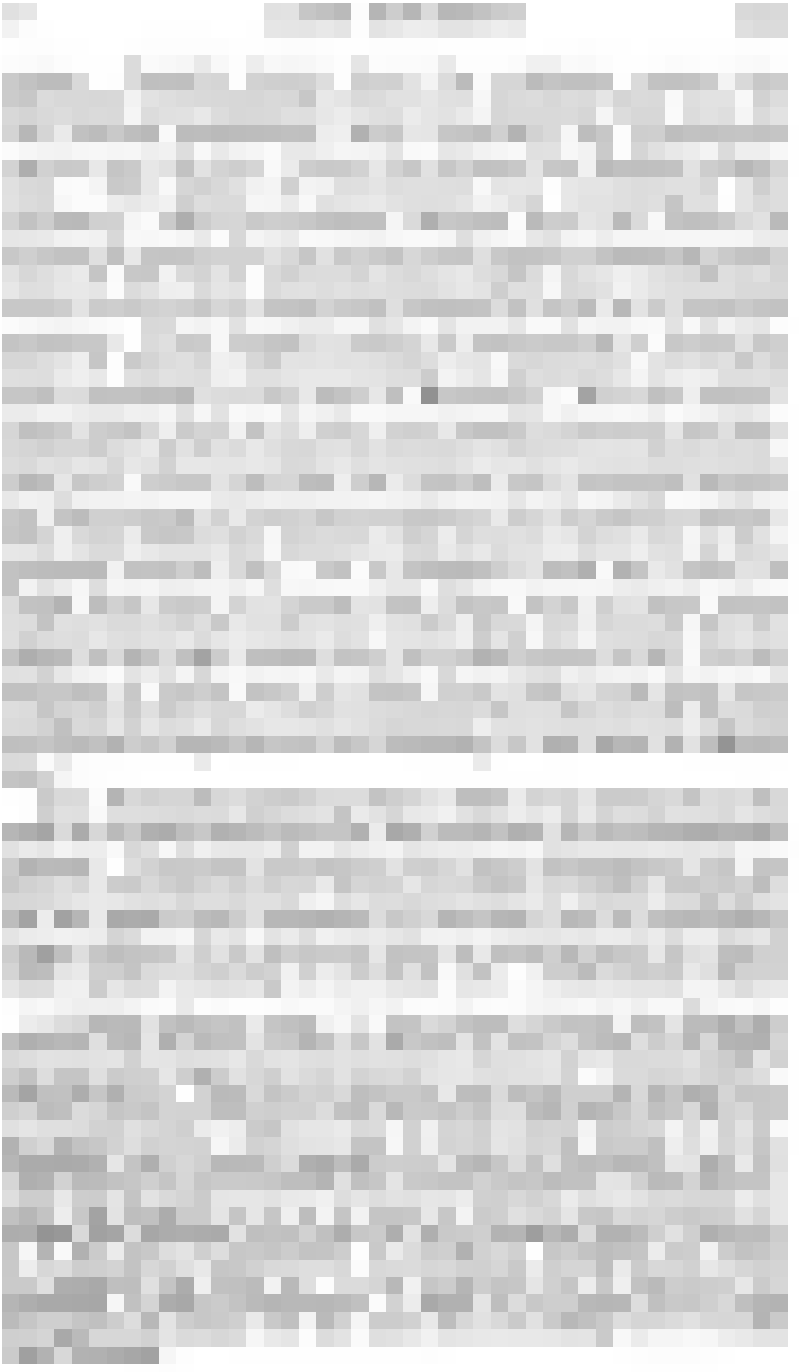

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Only a few of the village lads go to school, and village schools are very primitive institutions. There is no prejudice against learning, but even the most careless observer must notice the tendency of lads who have gone to school to refuse to work in the field and to despise their unlettered fathers. Elementary education may be a very blessed thing, but it would seem that in an agricultural country it needs to be universal if it is not to prove a curse.

Even more convincing is the following testimony recorded

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'That many educated youths in Bengal find it difficult to get employment is quite true, but I believe it has nothing to do with their committing dacoities. These dacoities have all along been recognized as 'political dacoities'. The anarchical activities in Bengal have been described in the *Indian Year Book* for 1916 (p. 1) as "proof of the existence of a small band of anarchists in India determined to try and overset the British Government, even if it has to plunge the country into chaos in order to achieve it". The origin of these dacoities can be traced to the book (*Ananda Mat*, a novel by the great Bengali novelist, Bantain Chanda Chatterjee) which provides us with the famous national song commencing with the words "Bande Mataram". In this book there is an account of a band of men who used to commit dacoity with the object of making rich people part with their money for the public good. Some of the imaginative and emotional youths of Bengal took a lesson from this book and started committing dacoities; though later some young men may have joined them with a different object.'

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in a letter from a Bengal student to his teacher in the year 1916.

I left the place for another village some eleven miles away. The distance I walked without any umbrella in the scorching sun. That village is proverbially poor in sanitary conditions, almost every year suffering from malaria, cholera, and other bad diseases. The recent malarial attack carried away many poor souls. During my visit the village, generally speaking, was keeping good health. My object of going to it was to talk to the villagers of the usefulness of quinine medicine, although the only antidote of malaria, people carefully avoid making use of. I thought two days would be sufficient for the purpose. I usually used to catch hold of eight or ten men either in a sitting house or under a tree, and in the course of conversation about rural topics explain the powerful efficacy of the drug. Many have consented to try. What I discovered to my utter delight was this, that they would be all frank with you only if you condescend to put aside your academic airs. They are very good fellows. One day while I was talking about the benefits of education, one elderly man very emphatically and justly too made the following remark which I shall never forget. 'Babu, we are poor. We must cultivate for our bread, literary education makes boys hate manual labour. Just see the boys of our village. The son of our Mondal reads in the School. His father works so hard in the field, but he never *breaks a straw*. If our children after getting education (primary) do not work with us, we shall certainly cease to live.' The statement is extremely funny, nevertheless true. On inquiry I learn there were some five boys of that type. I then very strongly felt it to be my duty to stay a few days more and if I could leave things better. From that day I began to work in the field along with the cultivators. You know our parents are very fond of smoking their hookahs. I used to go to the field and relieve one man so that he could smoke. The offer that I made was never unwelcome. Sometimes many men would stand round the land to see me working at the plough. I enjoyed so much. This I did in the morning. In the noon, I contrived to gather the schoolboys, and spoke to them. They were very much impressed. In the afternoon I used to plant brinjal and other season plants, and water those already planted. After a day's experiment I saw some signs of change. Those boys gradually joined and afterwards they hardly allowed me to do anything—they doing all. On the last day but one of my stay there, I was ploughing and a thorn ran deep into my toe which swelled and made me unable to walk. I took it to be a warning to return to my studies. The letter is long though you have no time to read. Excuse if I tire you.

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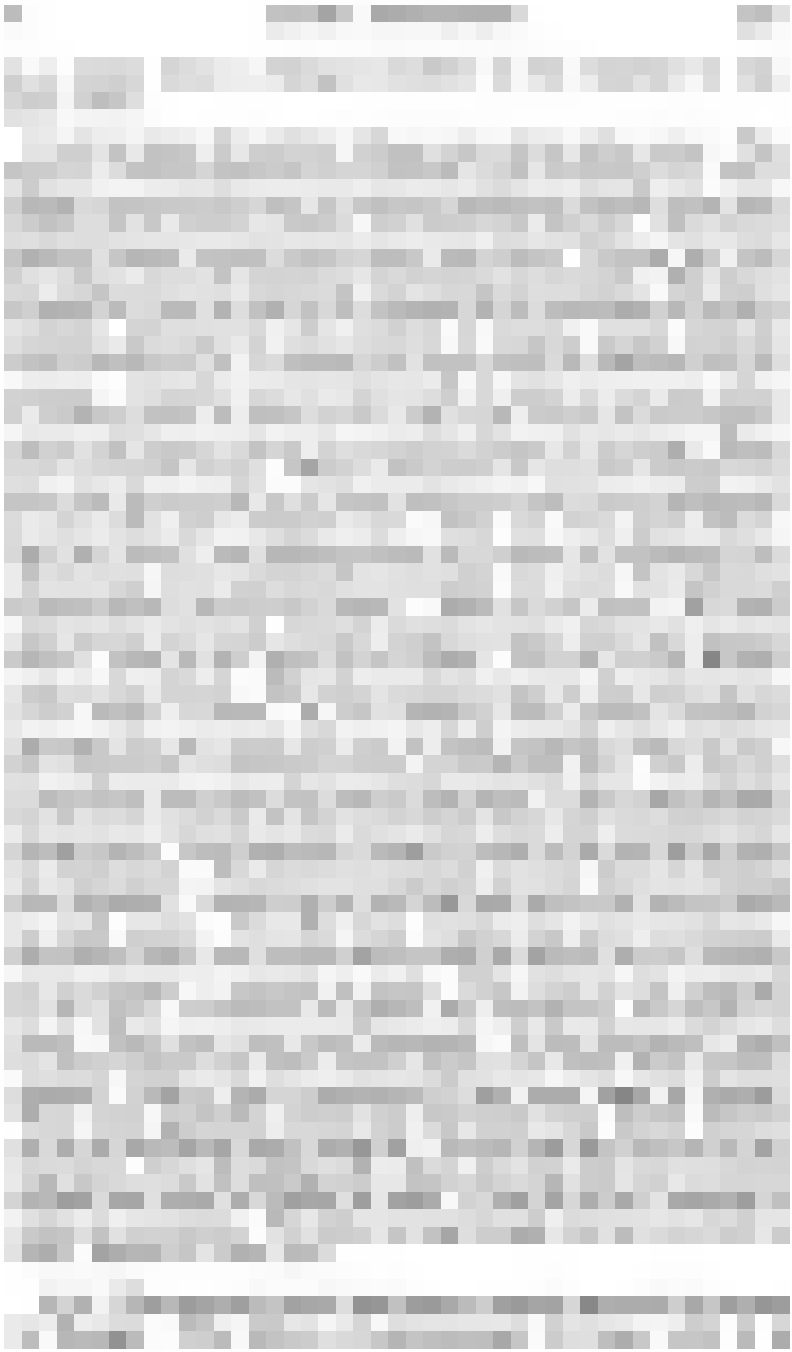

ascribed to two principal causes. The first of these is a want of touch between government officers and the people. In districts not permanently settled the duty of checking and revising the revenue records is the principal agency in bringing collectors and their subordinates into touch with the people themselves.[1] In Bengal the villagers see little or nothing of government officers other than the police. Government is thus visible to them mainly in its aspect of repression, and administrative officers know too little of the people they rule. As a record of rights is now in process of construction this particular defect is perhaps on the way to be remedied.

A second reason is that, for want of the revenue which the permanent settlement has absorbed, the increase of government officers has not kept pace with the growth of the population. One district contains upwards of 4,500,000 souls, and seven others contain more than 2,000,000. The Government of Bengal, meanwhile, was long hovering on the verge of bankruptcy, and want of funds, due to the permanent settlement, has stood in the way of reform. And yet, as Mr. Jack shows in his careful study, Bengal, as judged by his own district, is one of the most lightly taxed communities in the world.

§ 17. Incidentally it must be observed that the loss of revenue involved by the permanent settlement is equally divided between Bengal and the Government of India. Bengal, therefore, contributes less than its share to the national expenses, and the deficit falls, of course, on those parts of India to which the permanent settlement has not been applied. In these remarks there is no suggestion that the permanent settlement can now be altered. If the growing needs of the public are to be met and a fairer adjustment of burdens is to be made, it must be through the income tax.

§ 18. No excuse need be offered for giving these particulars in the course of a chapter dealing with revenue, for they

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'For instance, the landlord or the tenant can sue to have his rent enhanced or abated, or a landlord sues to eject a tenant for certain specified reasons or sues him for arrears of rent and applies to evict him for non-payment; or the landlord or tenant applies for a loan from government for land improvement or agricultural purposes, or several landlords in a village cannot agree and apply to have their property partitioned, or one man sues another for his quota of revenue, or tenants fall out among themselves. The settlement of all these and many other disputes brings the revenue officer into close and intimate relations with the people.'

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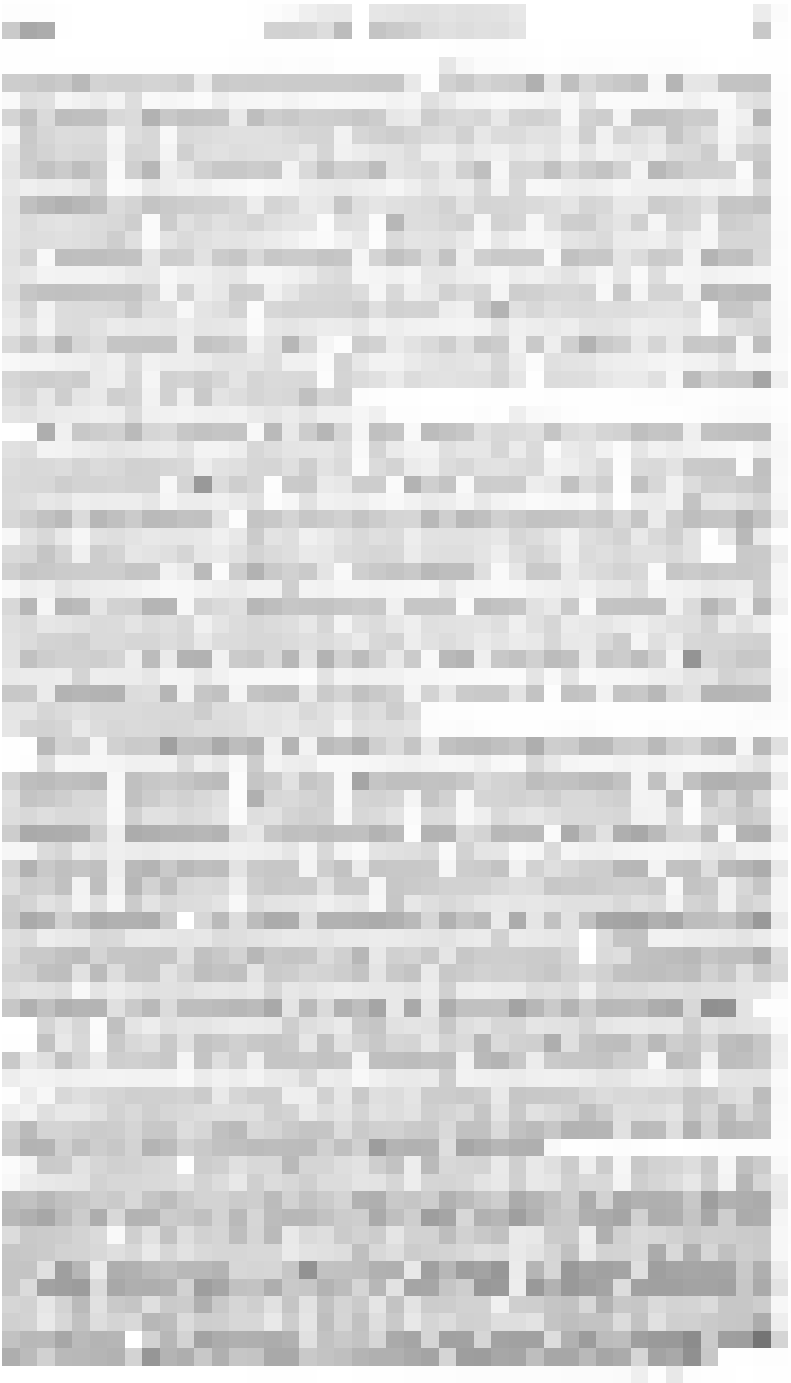

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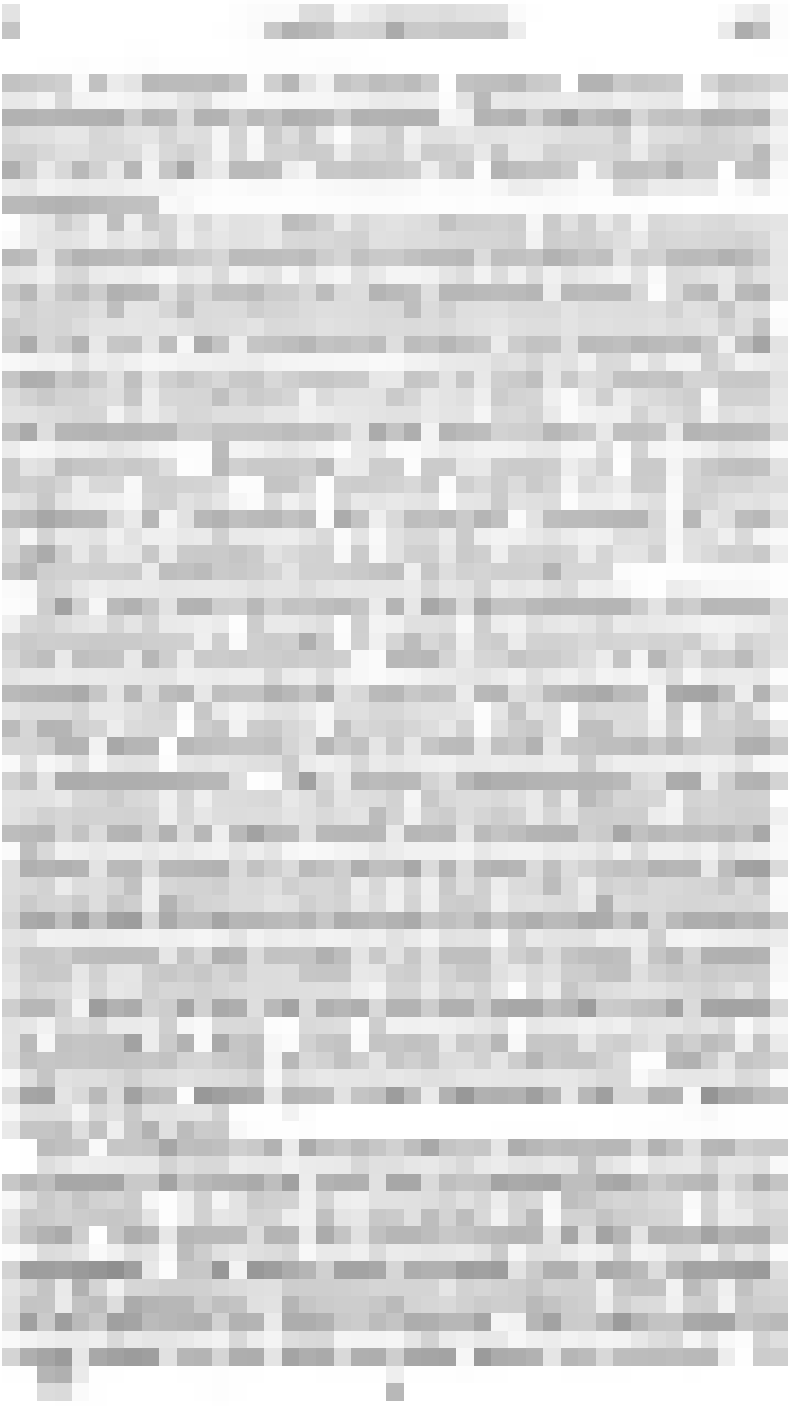
§ 19. So far as one-fifth part of British India is concerned the opportunity presented by Indian conditions of realizing the Georgian principle has been definitely closed. But the evil results of the permanent settlement were slow to develop. Till far on in the nineteenth century, the experiment was regarded as a proved success; and in 1862 Sir Charles Wood ordered its application to India at large. So great were the difficulties encountered that these orders were delayed in execution. Meantime, the evil results of the system began to appear. The inherent inequity to the general taxpayer of alienating the unearned increment of rent began to be realized, and in 1883 the orders of Sir Charles Wood were definitely cancelled by Lord Ripon.

§ 20. Such was the history of the first attempts of British administration in Bengal to settle the land-revenues, and such were its consequences. When, however, in the earlier decades of the nineteenth century, the Company began to grapple with the same problem in other parts of India, it was then equipped with an able and experienced staff of administrators. The British administration was thus in a position to revive the best features of Akbar's system, and to add to it others which were a further improvement. Akbar had aimed at converting a share in the grain heap into a cash payment based on a share of the gross produce. The British Government adhered to the principle of collecting the revenue in cash instead of in kind, but based the assessment on a calculation of the 'net assets' or profits of cultivation; that is to say, the rent which a freeholder could obtain by letting the land. But these rents were not levied on improvements made by the owner or cultivator. The rent was, in fact, based upon what Americans call the prairie value of the land.

§ 21. In Madras Sir Thomas Munro developed the idea of surveying the districts, and also of dealing direct with the cultivators. In 1807 he converted the Directors to his views. The result was the system known as the raiyatwari settlement. The fields were surveyed, the soils classified, and the assessment determined in accordance with the size of the field and the value of the soil. The ruling prices of crops raised on the fields are also taken into account. It



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is in accordance with a rise in these prices that the valuations are revised at the periodic assessments. The revenue, which, as we shall see, is now only about 50 per cent. of the valuation, is collected from the cultivators themselves direct by the government officials.

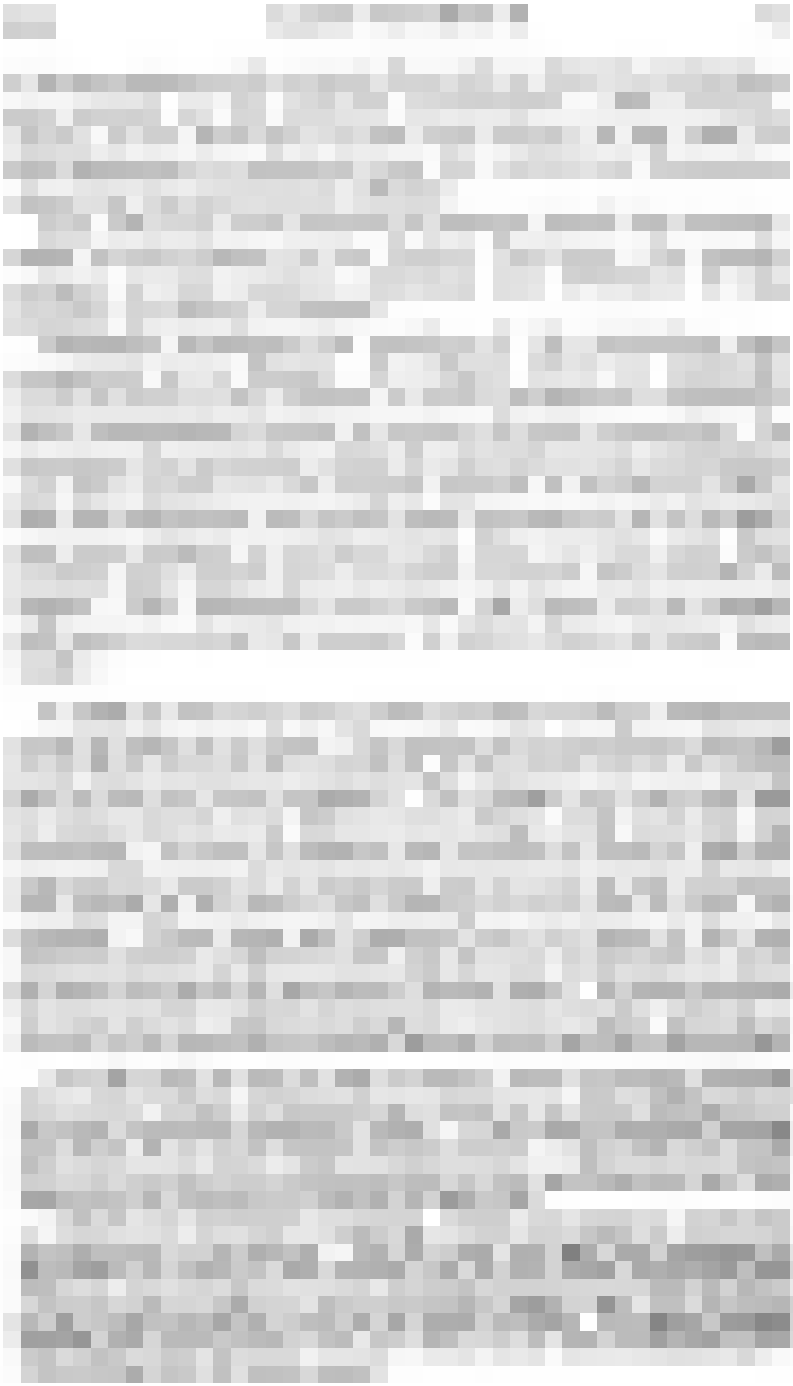
§ 22. We may now examine in greater detail the development of the system in the United Provinces—the special subject of this inquiry, omitting any reference to the peculiar conditions of Oudh.[1]

Generally speaking, the position of the zamindars was recognized as in Bengal. In villages where no zamindar could be found, the resident or more permanent cultivators were amalgamated under a system of joint-ownership. In the place of a zamindar a kind of corporation was established, and this system is now largely typical of Northern India. But the settlement was never made permanent as in Bengal, and was subject to revision from time to time, and that revision was based upon accurate surveys and records of rights. The following note from the hand of an expert will serve to show the manner in which these surveys were made :

In 1822 the first steps were taken towards securing a satisfactory record of rights in the land. The position of the hereditary collectors of the State demand (the zamindars, as they had come to be called) had by this time been recognized. The villages were surveyed, and the maps showed every field in every village, while each plot was numbered. A series of registers was prepared to link up with the map, and the name of the zamindar, and of every actual cultivator, with details of the plots in his holding, his rent and so forth, was recorded. These maps and registers form the basis of the now elaborate system of land records, and they are maintained on much the same lines in all the provinces of British India. In most provinces the maps and the registers forming the 'record of rights' are kept up to date by the patwaris (or similar officials under another name) under

[1] At this point it may be well to insert a word of warning extracted from a letter written on this study as a whole by an officer holding one of the most responsible positions in India : 'I have read with great interest your study No. 3 on the subject of land revenue. I have sent two copies of it to be examined from a technical point of view, and this note that I now write does not pretend to be critical on that score.

'I know you will forgive my saying, I think you argue too much from the particular to the general. That is to say, you give the impression to the reader who does not take careful note of your earlier paragraphs that what you say throughout, based admittedly largely upon the conditions in the United Provinces, is true of the whole of India. You guard yourself against this misconception here and there, but it will nevertheless prove a stumbling block for some people.'



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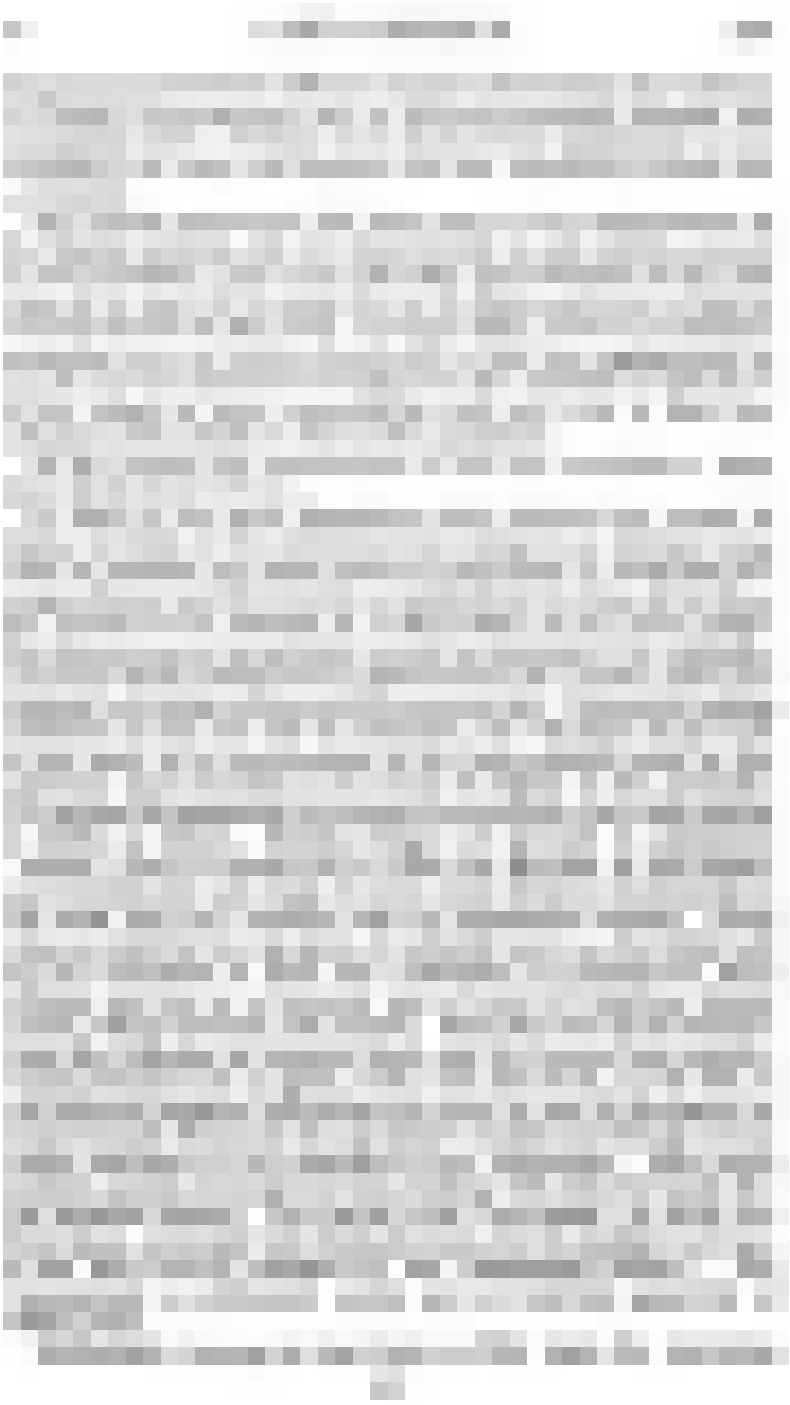
the general control of the officer in charge of the district (the Collector or Deputy Commissioner), and at intervals, generally (though not necessarily) when a revision of the land revenue assessment is contemplated, the maps and registers are also completely revised and overhauled.

The earliest assessments had been more or less continuations of the Mughal methods, and were based chiefly on such public accounts as were available; but in any case they were estimates of the cash value of the share of the crops due to the State, and were revised at intervals of three to five years. In Upper India, however, hereditary zamindars were not always found, and in that case engagements to pay the revenue assessed were taken from the established cultivators in the village on joint responsibility, and such men in that way obtained a title similar to that of the zamindars.

At the present day communities of this sort contribute a large share of the land revenue.

In 1822, by the same Regulation which initiated the record of rights, the basis of the assessment was changed, an attempt being made to calculate the gross profits of cultivation by deducting the wages of labour and the interest on capital from the value of the crop, the revenue to be assessed at a fixed share of the gross profits. But this process not unnaturally proved too elaborate to be workable, and it was finally abandoned in 1833 in favour of a system which has endured in its main outlines until the present day. Instead of making estimates of crop and cost of cultivation, the valuation of the land is now made on a consideration of the rents actually paid by the cultivator (and recorded in the record of rights) to the zamindar. The process of assessment in its latest development under this system is briefly as follows. Similar villages are grouped in assessment 'circles', plots of similar soil in them are grouped in soil-classes, and *rent-rates* for each class of soil in each circle are deduced from the rents paid on a modern scale by substantial tenants. These rates are used for the valuation of unrented land, e.g. the fields held by the zamindars in their own cultivation or granted by them without rent (or at a favoured rate of rent) to relatives, family priests, village servants, and so forth. From the sum of the tenants' rents the valuation of unrented land, and the income from uncultivated products such as grass, reeds, and wild trees, or the fish in the lakes and streams, deductions are made by way of allowance for improvements effected at the zamindar's expense and for the exceptional costliness of the zamindar's own cultivation. (His social position usually prevents him from working with his own hands like the humbler tenant.) The result is the 'net assets' of which the fixed share, nominally half, formerly more, but in practice now less, is the land revenue assessed by the 'Settlement Officer'. The reassessment or settlement occurs now at intervals generally of thirty years.

Incidentally, during the last forty or fifty years the rent-rates



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adopted by the Settlement Officer have been used not only to value unrented fields, but also to enhance tenants' rents which are seriously inadequate when judged by modern standards. There are classes of tenants whose rents, owing to legal restrictions, cannot be easily enhanced, and there are some zamindars who are content not to attempt to enhance their tenants' rents between settlements, so that a considerable portion of the actual rents remain stagnant and do not respond to the increases in rental values which generally occur in the long intervals of thirty years. Such rents can be, and generally are, raised by the Settlement Officer, and while the increment of course goes in the first instance to the zamindar it is included in the 'net assets' and is thus partially secured to the State.

This account of modern methods only applies in full to those parts of the United Provinces which are not permanently settled. In the 'ryotwari' tracts (chiefly in the Madras and Bombay Presidencies) the actual cultivator and the owner are the same person, and there is little actual rent to guide the Settlement Officer. While, therefore, villages and soils are classified much in the same way as in the United Provinces, the assessment is determined by the direct application of a *revenue-rate*, which has to be fixed on theoretical considerations, such as the estimated yield of crops or a rise in prices or improvement in communications or irrigation effected at the expense of the State.

In permanently settled tracts the settlement dates from 1793 or shortly after, and of course is not liable to revision; but provision is usually made for revisions of the record of rights in them, and to some extent for fixing the cultivators' rents.

In the Punjab, where village communities in parts are much more common than zamindars, and mere tenants are few, the Settlement Officer has still partial recourse to produce estimates in order to determine a fair valuation of the assets.

§ 23. Over four-fifths of British India a periodic revision of assessments has been maintained, which enables some portion of the unearned increment to be recovered in relief of general taxation. The revision is usually effected once in a generation, that is to say, in thirty years. None the less a progressive departure from the principle of reserving the unearned increment to the state has been made. On the valuations current in the year 1812 Government decided to levy only 90 per cent., thus leaving a margin of 10 per cent. in favour of the person liable to government for the rent. Since 1812 the proportion of the 'net assets' taken by government has been steadily reduced. In 1822 it was lowered to 80 per cent., in 1832 to 72½ per cent., in 1849 to 66⅔ and in 1855 to 50 per cent. A discretion has now been given to provincial governments to fix the revenue at

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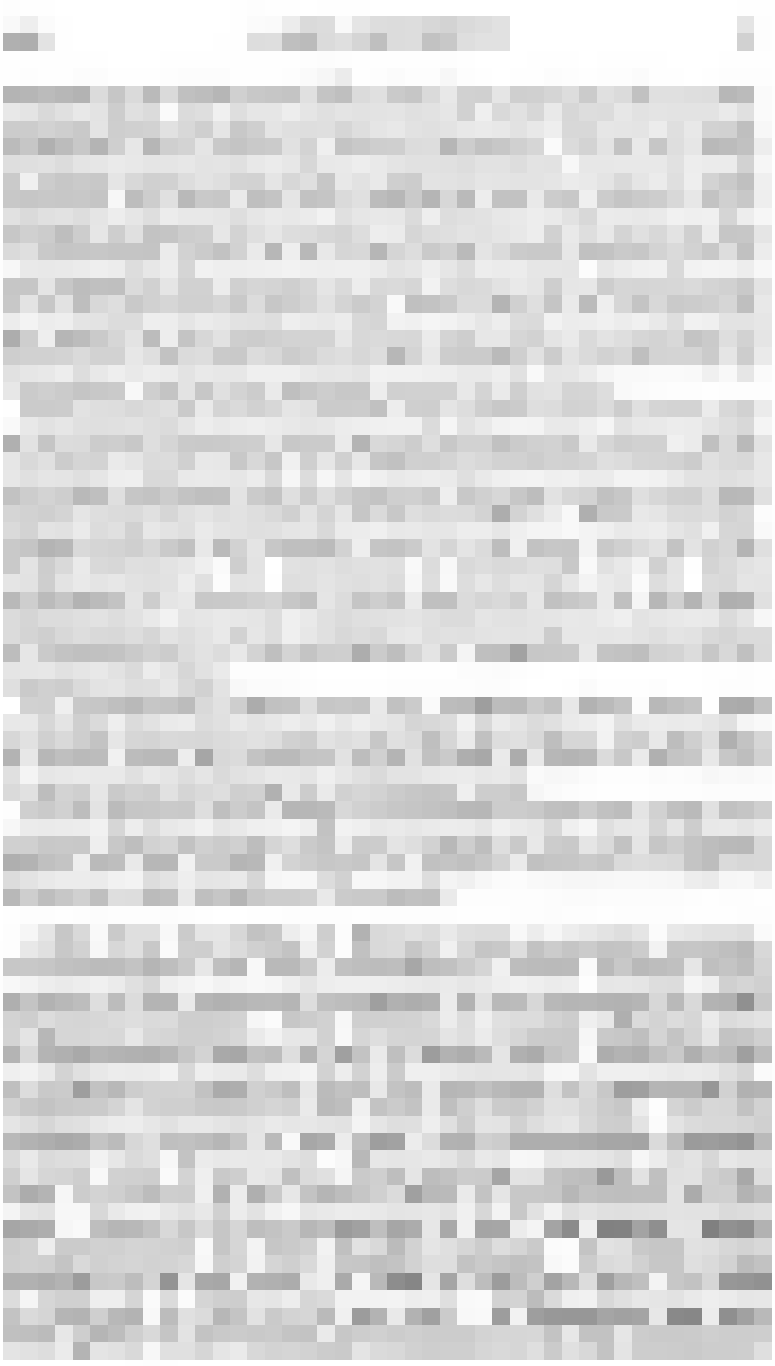


from 55 to 45 per cent. of the valuations. In practice, the revenue is often assessed at a much lower figure.

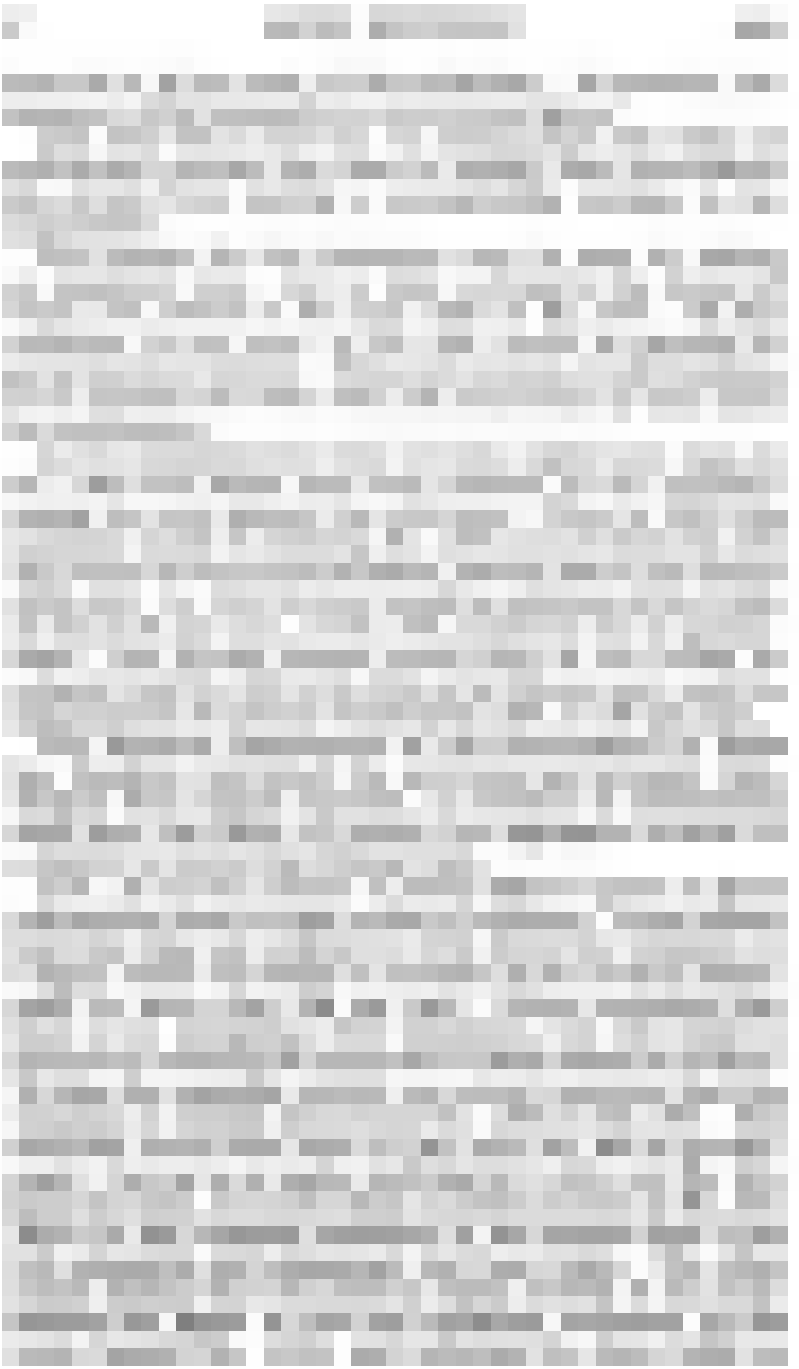
§ 24. But this is not all. In recent years the value of agricultural produce has risen so rapidly that government has shrunk from making a corresponding increase in the assessments.

The reasons for this hesitation may be seen by taking an imaginary case. Let us take a property the rental of which was valued in the year 1880 at Rs. 400. Of this valuation 50 per cent., or Rs. 200, would be payable to government as revenue. That, and no more, would continue to be payable till 1910, when the land came up once more for revaluation.

In the meantime the value of rents might have risen to Rs. 1,000 and might have been realized by the zamindar raising his rents against the cultivator. Thus, in 1910, the zamindar would be realizing Rs. 1,000, out of which Rs. 200 only would be due to government, leaving him a net income of Rs. 800. In 1910 his land would be revalued at Rs. 1,000, of which 50 per cent., or Rs. 500, would be due to government. His private income would thus at one stroke be reduced from Rs. 800 to Rs. 500, or by 37½ per cent., and the enhancement of revenue would be Rs. 300, or 150 per cent.

The Revenue Department of the Government of India has therefore instructed the provincial government that, without their special sanction, no revision of assessments shall have the effect of raising the aggregate revenue of a district by more than 33⅓ per cent.

§ 25. As to the manner in which effect is given to these instructions there is some conflict of evidence. Some officers hold that they are ordered to write down the valuation to a figure which will avoid an increase of the revenue assessment by more than 33⅓ per cent. Others maintain that there is no tampering with valuations, but the result is secured by reducing the proportion of them taken as revenue. To take the example quoted, one school maintain that the valuation is written down from Rs. 1,000 to Rs. 900. The zamindar would thus have to pay only Rs. 450 to government; but as he is really deriving Rs. 1,000, not Rs. 900, from the rents, he would retain a private income of Rs. 550. This is a less crushing reduction of his income than if the full admissible half assessment had been taken. The other school declare that the result is really arrived at by maintaining the figure at the real valuation indicated by the rents, namely Rs. 1,000, and reducing the share taken as



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The precise method, however, by which these reductions of revenue are made is immaterial. The fact that in many cases they have been reduced to 45 per cent. or even lower, is not in dispute.[1]

In addition to revenue taken by government in the United Provinces is a cess equal to an additional 10 per cent. on the revenue collected. This cess, however, is merely a consolidation of a number of extras levied for local purposes, and is devoted to such purposes exclusively. This percentage is added to the revenue and collected at the same time.

§ 26. The most striking departure from Georgian principles, however, has been made in the cases where land in the neighbourhood of growing towns has been diverted from cultivation to be used as sites for houses, factories, or shops. It is in these very cases that the fact of unearned increment is least in question. The moment that agricultural land comes within reach of a growing town, the rents obtainable increase by leaps and bounds. Here it is quite beyond dispute that the increment of values is not due to the efforts of the owner or cultivator.

Land when so diverted from cultivation to more profitable uses seems to have been treated in different ways. Some revenue authorities have kept the land on the records, and have assessed it for revenue at the highest agricultural rates ruling in the neighbourhood. Others have taken the view that land revenue is simply a tax on tillage, so that, when land ceases to be used for agricultural purposes, it ceases to be liable to land tax at all. The fortunate owner has thus been exempted from land taxation at the moment when his rents are increasing by many hundreds per cent.

An actual example may be cited. A large cotton concern required a field in the neighbourhood of a certain town in the United Provinces as a site for a ginning factory. The field was assessed for taxation at Rs. 5. It was leased from the owner at an annual rent of Rs. 300 and the factory was erected. These were the facts with which the settlement officer had to deal. In accordance with recognized practice, he should have removed the land from his roll, on the ground that, as it was no longer subject to cultivation, it ceased to be subject to the land tax. He availed himself, however, of the fact that it was technically outside the municipal

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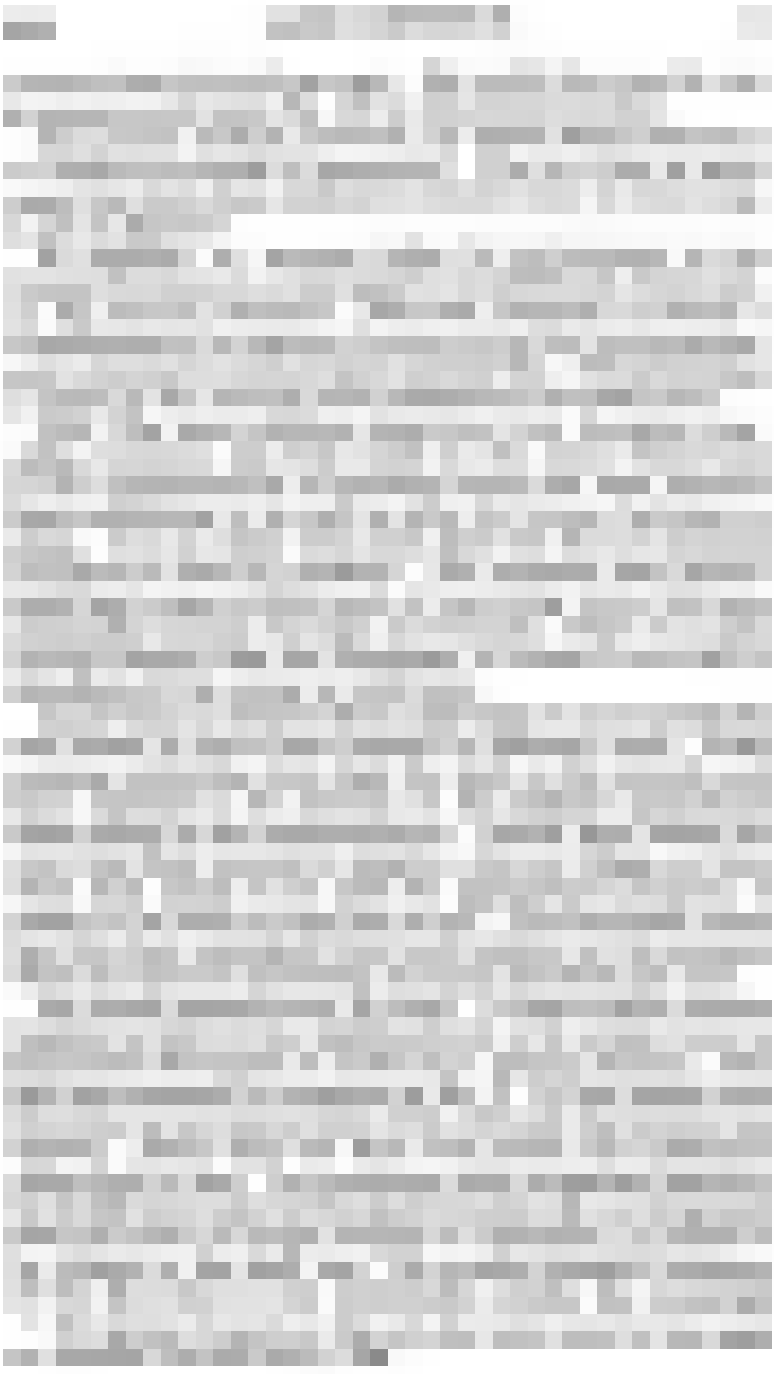

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§ 27. It is not uninstructive to trace the process which has led to these startling results. The Mughal Empire claimed the ultimate ownership in land. In virtue of that right it conceded the cultivator no more than the means of bare subsistence. All that was over and above that margin was claimed by the state, and for practical purposes the rent due to the state was fixed at one-third or one-quarter of the gross produce.

The British administration claimed to inherit these rights. The basis upon which the rent was fixed was changed from one-third or one-quarter of the gross produce to the annual rent obtainable in the open market. The share of this rent to be paid as revenue was first fixed at 90 per cent., and then reduced by successive stages to 45 per cent. In the meantime the custom developed of calling it a tax. The revenues from land may be described as a rent which government has drifted into treating as a tax on agriculture.[2] On the other hand two features have been preserved

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The following note from a commissioner, however, inclines me to think that the collector who wrote this last note was thinking of sites in villages and small rural towns, and not of towns where modern factories have sprung up, of which there are already examples in the United Provinces: 'The probable reason that in the United Provinces no land revenue has been taken for land not used for agriculture is that there is so little of it except in a few towns.

'In the villages practically all the land covered by houses is used for dwellings for agriculturalists or for labourers, artisans, or others whose residence is necessarily for agricultural purposes. In the comparatively few towns where a charge might justifiably be levied the dissatisfaction and trouble that would be caused by levying direct taxation from a large number of smallholders not held together by any communal responsibility for payment has been a strong argument for not introducing innovations.' (See also Appendix A to this study.)

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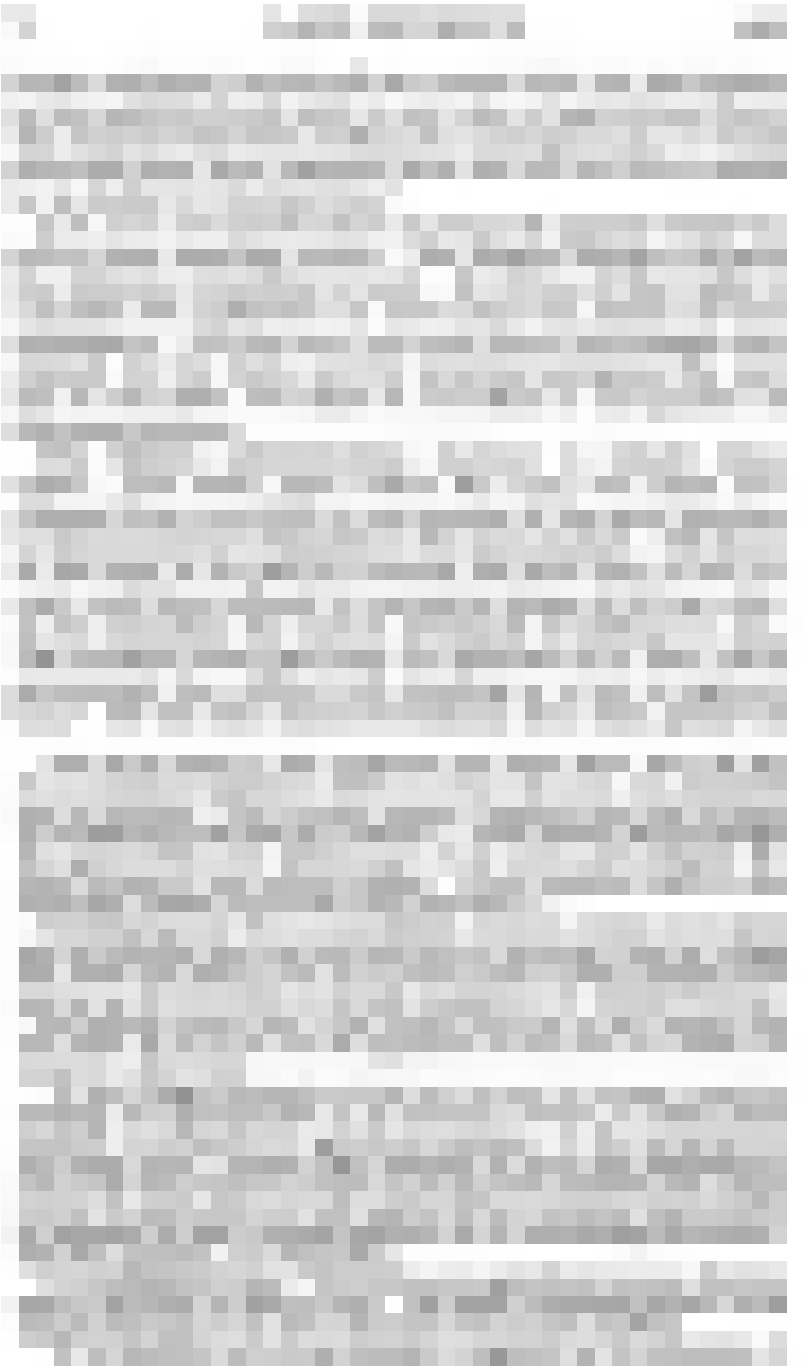
'In the villages practically all the land covered by houses is used for dwellings for agriculturalists or for labourers, artisans, or others whose residence is necessarily for agricultural purposes. In the comparatively few towns where a charge might justifiably be levied the dissatisfaction and trouble that would be caused by levying direct taxation from a large number of smallholders not held together by any communal responsibility for payment has been a strong argument for not introducing innovations.' (See also Appendix A to this study.)

[2] A commissioner notes: 'It is not a tax on agriculture, because, theoretically, it can have no effect on rent. The actual cultivating tenant would pay the same rent as he does if the land revenue were remitted.

'If the landlord, and not government, is regarded as the proprietor, it



which seem clearly to mark the land revenues as being of the nature of a rent rather than of a tax.

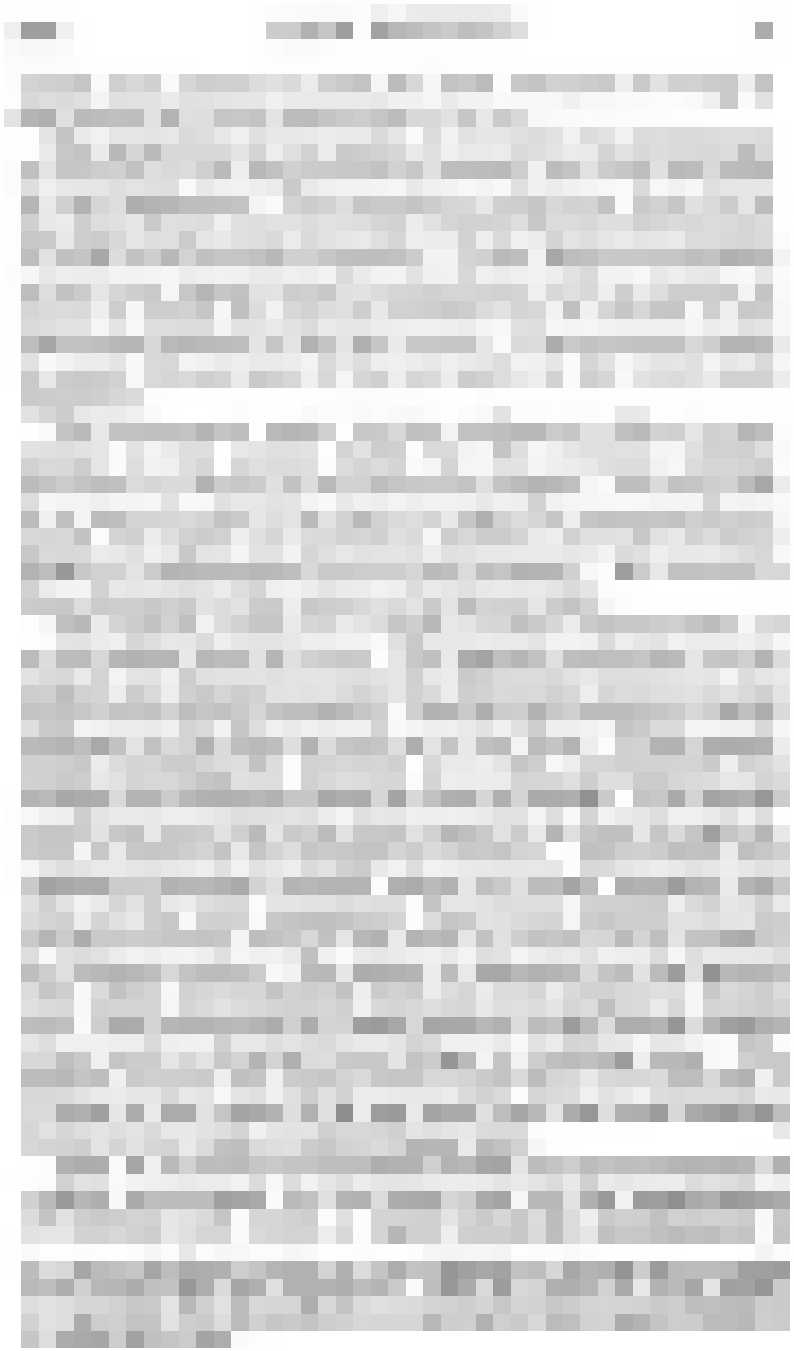
The proportion of net assets, to be taken by government as revenue, is not determined by statute, nor even discussed in the legislature. The successive reductions from 90 to less than 50 per cent. have been ordered by the Government of India in its executive capacity. Under British institutions a tax is an impost levied in accordance with a statute, in terms of which the amount leviable can be settled to the uttermost farthing in the law courts. If government desire to exact 100 per cent. of the net assets no law court could intervene.

The assessment made by the settlement officer is presented to the person liable for the revenue, whether zamindar or raiyat, in the form of a bargain. He may take it or leave it, and if he elects to reject the assessment proposed, his rights are passed to another, and the previous holder is compensated out of the proceeds. His tenure is thus distinctly of the nature of a tenant right.

The system, taken as a whole, is thus characteristic of a rent rather than of a tax. The highest authorities on the subject are disposed to treat the distinction between a rent and a tax as purely academic. But the two things are vitally different, in the East as well as in the West. While persistently handling the revenues as a rent, government has drifted into thinking of them as a tax on tillage. The natural result has been that when land ceased to be used for agriculture, it ceased to be charged for revenue. Land which had suddenly acquired colossal values as urban property was thus at the next assessment freed from liability for the payment of any rent to the state in virtue of its position as ultimate owner. The policy is defended on the ground that urban and industrial rents are now subject to income tax. But income tax is a mere fraction of the rental created when land is diverted from tillage to building sites. The highest income tax (apart from super-tax) now leviable is 1 anna in the rupee, or 6¼ per cent., and was until recently 5 pies in the rupee, or about 2½ per cent.

§ 28. If, by means of increased tariffs, by the investment of capital encouraged by the state, and by the construction of railways and roads, a rapid industrial development is

is a tax on landlords' profits not very dissimilar to income tax on profits from sources other than agriculture. After all it does not much matter. A rupee taken from the landlord is a rupee less for him to spend, whether it is called rent or tax.'



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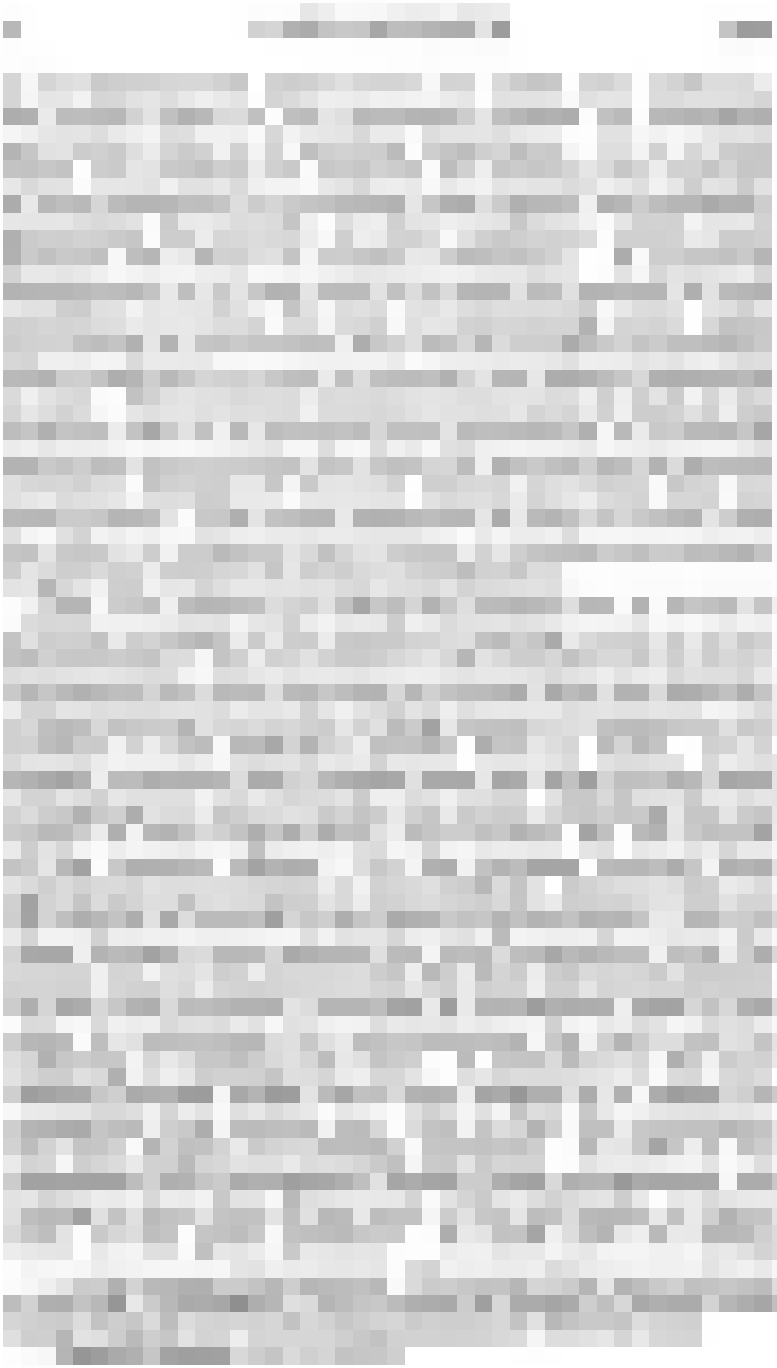
to be fostered and great towns are called into existence, the public claim to the increment created on industrial and urban sites is of growing importance. It is a fund which can properly be reserved for meeting the expenses of town-planning, for providing open spaces, and generally preventing the growth of slum conditions which have fastened like ulcers on modern civilization. If industrial development on a large scale is to mean the growth of such conditions in India, the task of maintaining order under any system of government may well be rendered impossible. Slum conditions are easy to prevent, but almost impossible to cure. The enormous increase in the value of land at the moment when it is diverted from agricultural to industrial and urban uses provides the funds for preventing the growth of future hotbeds of vice and disease just when they are most needed. The recent expansion of cities in India, and its effect on adjacent land values, is leading government to give the subject its serious consideration.

§ 29. The manner in which the income tax is levied is a further example of the results of treating a rent as a tax. Theoretically a tax on income is the soundest of all taxes. In practice the chief objection to it arises from the difficulty of ascertaining the income of large classes of taxpayers, and nowhere is this difficulty greater than in India. It is, indeed, notorious that business men are often in the habit of keeping two sets of books, one secret, reflecting the real extent of their transactions, and another for the benefit of the revenue officers. On the incomes derived from agricultural land evasion is more difficult, because they are the subject of records in the hands of government; and yet these incomes were selected for total exemption from the income tax, on the ground that the land was taxed already. In fact, such incomes[1] consisted of commission paid by the state to individuals for administering the land and for collecting or realizing the rents. A reduction in the commission granted might have been alleged as a reason for exemption from income tax. But in fact the commission has been largely and steadily increased. In 1907 it was calculated that throughout British India government was taking no more than 50 per cent. of the net assets, or 5½ per cent. of the gross produce.[2] It must now be taking

[1] i. e. the incomes of the landlords. The income of the tenant cultivator is not even a commission; but of course the number of tenants whose income would be over the income-tax minimum is relatively small.

[2] *Imperial Gazetteer*, vol. iv, p. 216.



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considerably less, and it is not in question that in Native States a much higher proportion is collected by the rulers. From the following table, published in 1907, the effect of these reductions on the general taxpayer is apparent.

Proportion borne by the land revenue to:	*1870.* *Per cent.*	*1880.* *Per cent.*	*1890.* *Per cent.*	*1900.* *Per cent.*
The gross income of the state .	39·0	29·5	28·0	23·2
Taxation proper . . .	43·9	41·6	40·8	38·6

§ 30. As a larger proportion of the unearned increment from land is abandoned to individuals, so is a larger proportion of the public expenses transferred to the shoulders of the general taxpayer. The individuals who profit by the increment abandoned by the state belong to different classes in different parts of India. In Northern India, as in Bengal, government has largely recognized the claims of the taluqdars and zamindars to an interest in collecting the rents. Recognition of this class, as the persons to whom government looks for the payment of land revenue, has practically established their position as landlords, subject to periodic revision of the amounts due from them to the government. The re-valuation of the land every thirty years has operated against such an increase of subinfeudations as developed under the permanent settlement. But clearly an increasing proportion of the rent has been abandoned in favour of the zamindars. In 1812 a commission of 10 per cent. was considered sufficient to compensate zamindars for the cost of collection. This commission has now been raised to about 50 per cent. of a much larger valuation. It is obvious, therefore, that the bulk of this increment accrues to the benefit of the zamindars. In the parts of India where raiyatwari obtains it must have gone to the cultivators.

§ 31. Wherever the zamindars have been recognized, attempts have been made to protect the interests of cultivators by tenancy laws, and, as in Bengal, these laws have led to an ever-increasing volume of litigation. The smallest cases are heard by assistant collectors of the second class, larger cases by assistant collectors of the first class; appeals from the former go to the collector, and from the latter to the commissioner or, finally, to the Board of Revenue, if points of law are involved; others to the district judge and on second appeal to the High Court. Broadly speaking, all appeals which involve a question of proprietary right or of jurisdiction go to the Civil Court and not to the commissioner; so do all appeals in suits for arrears of rent

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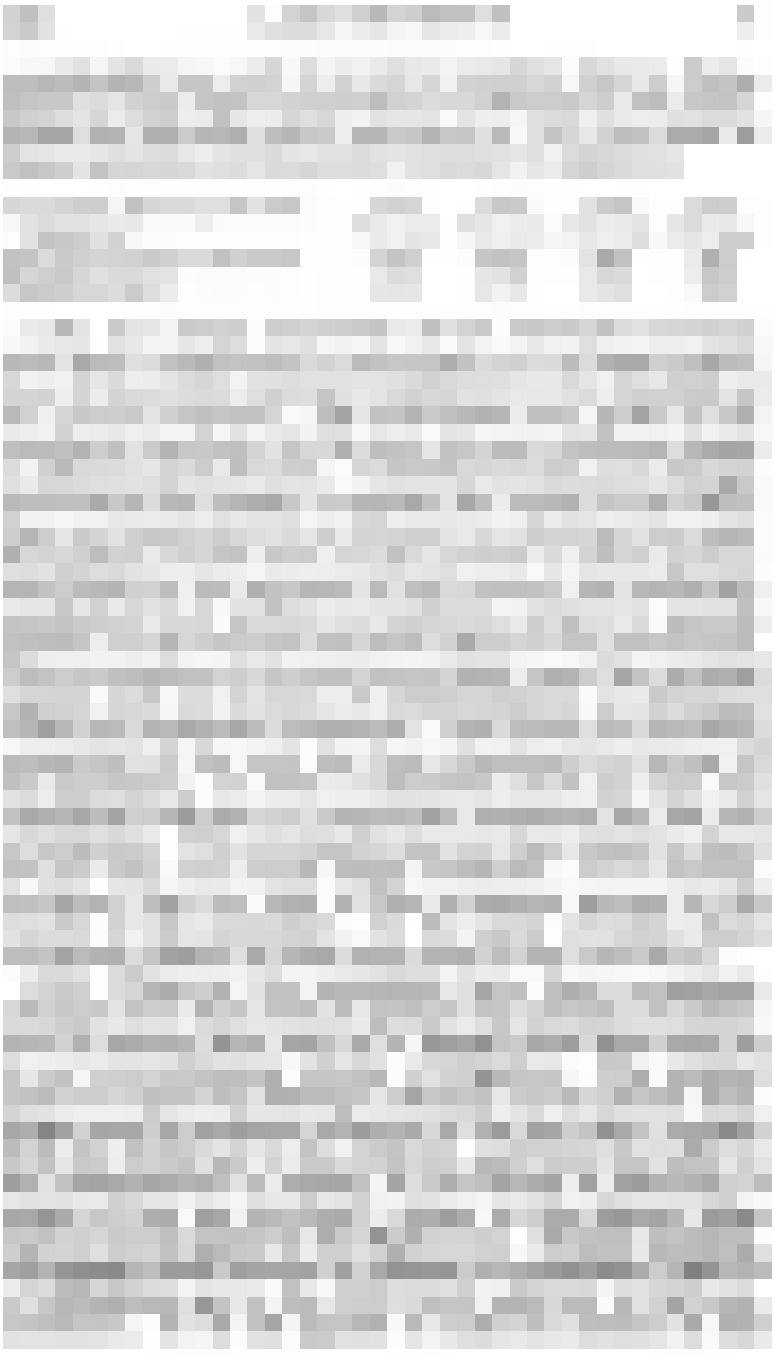

amounting to over Rs. 100.[1] With all these appeals it is difficult, with the best of intentions, to eliminate the advantage of wealthier suitors who can afford to carry their cases from court to court.[2] None the less zamindars as a class would prefer a more summary system which ensured final decisions at the initial stage.[3] A steady growth in the number of lawyers is a necessary result of the present system.[4]

§ 32. The practice of recognizing the claims of the hereditary tax collector and administrator of the land, and of placing him in the position of a landlord, has prevailed in Bengal and in Northern India. In these parts of India the zamindari system is the rule, though in Northern India the zamindar is usually subject to a periodic revision and enhancement of the revenue due from him to the state. All this was done with the deliberate intention of creating a landed gentry disposed to maintain the existing order and competent to aid in doing so by reason of the influence which each of them wielded amongst his own tenants.

§ 33. It must not be inferred from anything said in the foregoing pages that this policy is regarded as a mistake, apart from the permanent settlement in Bengal. The economic results of the policy have been traced. They are

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[2] The same collector notes: 'These remarks are very true. The *result* is most emphatically one law for the rich and another for the poor.

'There is also increasing tension between landlord and tenant. Far too many landlords are absolute absentees, leaving the management of their estates to agents, who are frequently far from honest, cheating their masters and swindling and tyrannizing over the tenants. Some day there will be a "jacquerie".'

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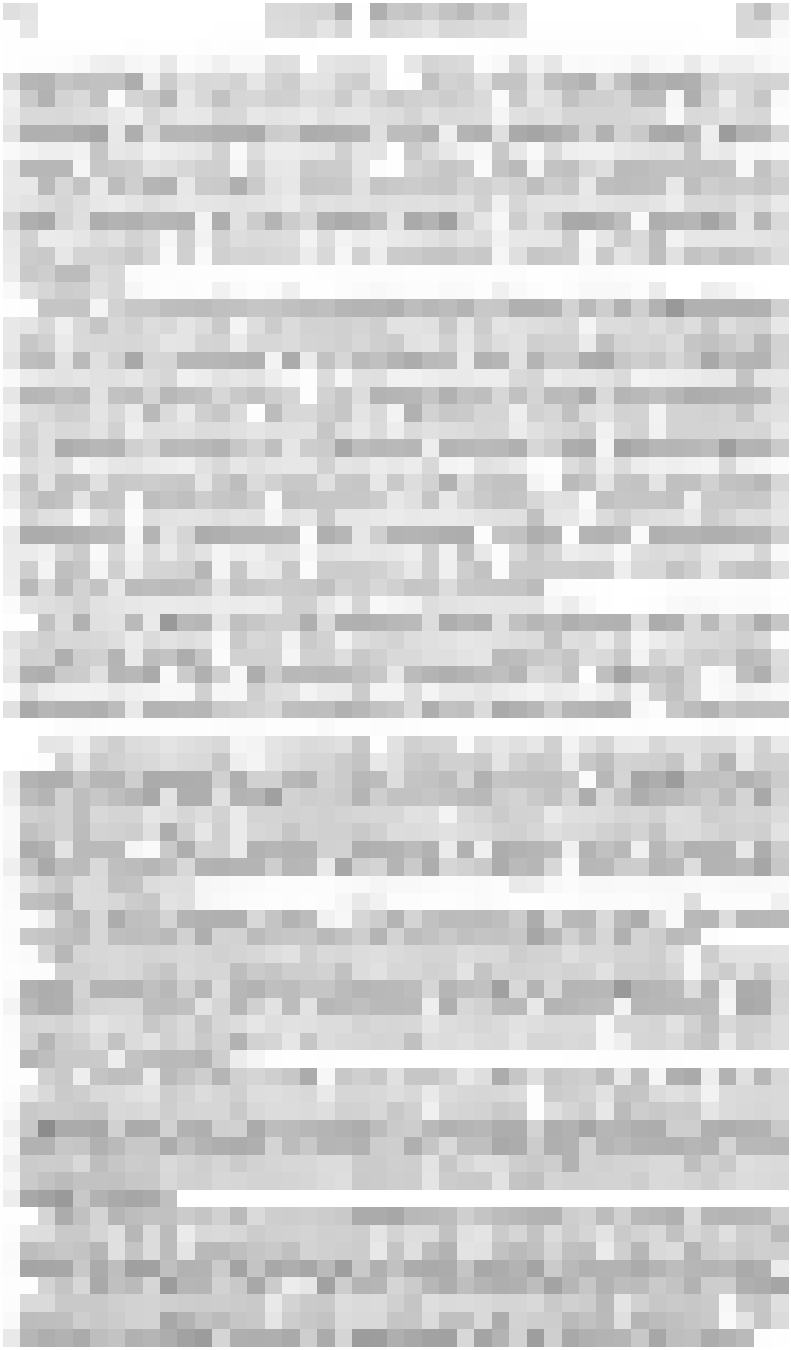

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§ 34. As noticed above it was due to the personal influence of Sir Thomas Munro that the opposite policy was followed in Madras. Wherever possible the claims of the zamindars were set aside, and the revenue was collected direct from the cultivator or raiyat by government officials. The result is that 47 per cent. of the land revenue of India is now raised from districts in which the raiyatwari system prevails. In these districts it is the cultivator himself who benefits from the gradual reduction in the proportion of the rent taken by government to 45 per cent. Where 55 per cent. of the economic rent is left to the cultivators it would clearly be possible for many of them to sublet and to live on the rents. Under these circumstances the raiyat would become a landlord. The right to sublet, however, is subject to government sanction and is carefully controlled.[2] In the raiyatwari districts there is, therefore, no need for land laws regulating rents and relations of landlords and tenants. A mass of litigation, and a consequent growth of the legal profession, is avoided. The raiyatwari system prevails in Madras, Bombay, Assam, and Burma.

§ 35. The method of collecting the land revenue remains to be noticed. In the permanently settled districts of Bengal the zamindar must pay the revenue due to government into its treasury by sunset on a certain day, failing which his rights are exposed for public sale.

Elsewhere the revenue is generally payable in instalments after each crop is reaped, according to local conditions. The tahsildar is usually the officer who actually receives the cash.

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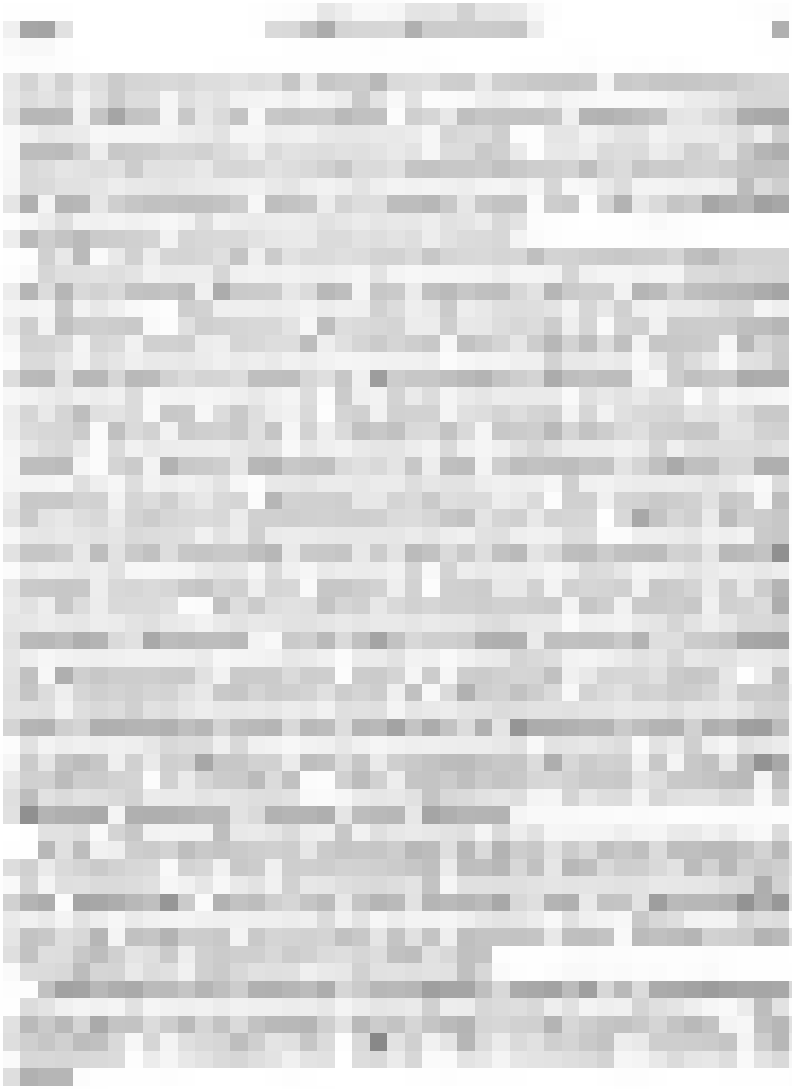

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Where payments are in default, recovery is effected by attaching the movables of the defaulter, or the land in respect of which the revenue is due, or other land belonging to the defaulter, or, in some cases, by arrest. The issue of the writ of attachment is usually effective at once.[1]

§ 36. Where crops have failed, the revenue is suspended or even remitted. From 1899 to 1902, when famine prevailed, revenue to the value of £1,289,812 was suspended, of which £1,238,937 was finally remitted. In the famines which followed 1902, though less severe, much larger sums were remitted.

§ 37. From the foregoing sketch it appears that the agricultural produce of land is the main source of revenue in India, and the government has steadily reduced the demands made on it. As the value of produce has grown, government has confined itself to taking a smaller and smaller proportion. The result is that, despite the fact that the average wealth of the people of India per head is extremely low, the proportion of that wealth diverted for public purposes is even lower.[2]

§ 38. Mr. Jack has conclusively shown that, in comparison with Italy or Japan, the inhabitant of Bengal contributes an exceedingly small proportion of his substance to the general revenue. In Madras a similar result has been reached by Mr. Galetti.[3] His conclusions are so important that it is well to quote in full the data upon which they are based.

It is only when we take small similar local units, and eliminate disturbing factors as far as possible and apply practical detailed

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A commissioner also notes: 'The first thing usually is to serve the defaulter with a reminder that the demand is overdue, for which he is charged a shilling, or else he can be served with a citation to appear and pay or explain why he has not paid. Moreover, all the proprietors in a "matal" are jointly and severally responsible, and ordinarily the revenue is realized in a lump sum from the "lambardar", or representative of the proprietors, who realizes from them their quota. If they do not pay him he can proceed against them by suit in the revenue courts.'

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[3] *More Truths about India*, issued by the East India Association, 1913–14, p. 65.

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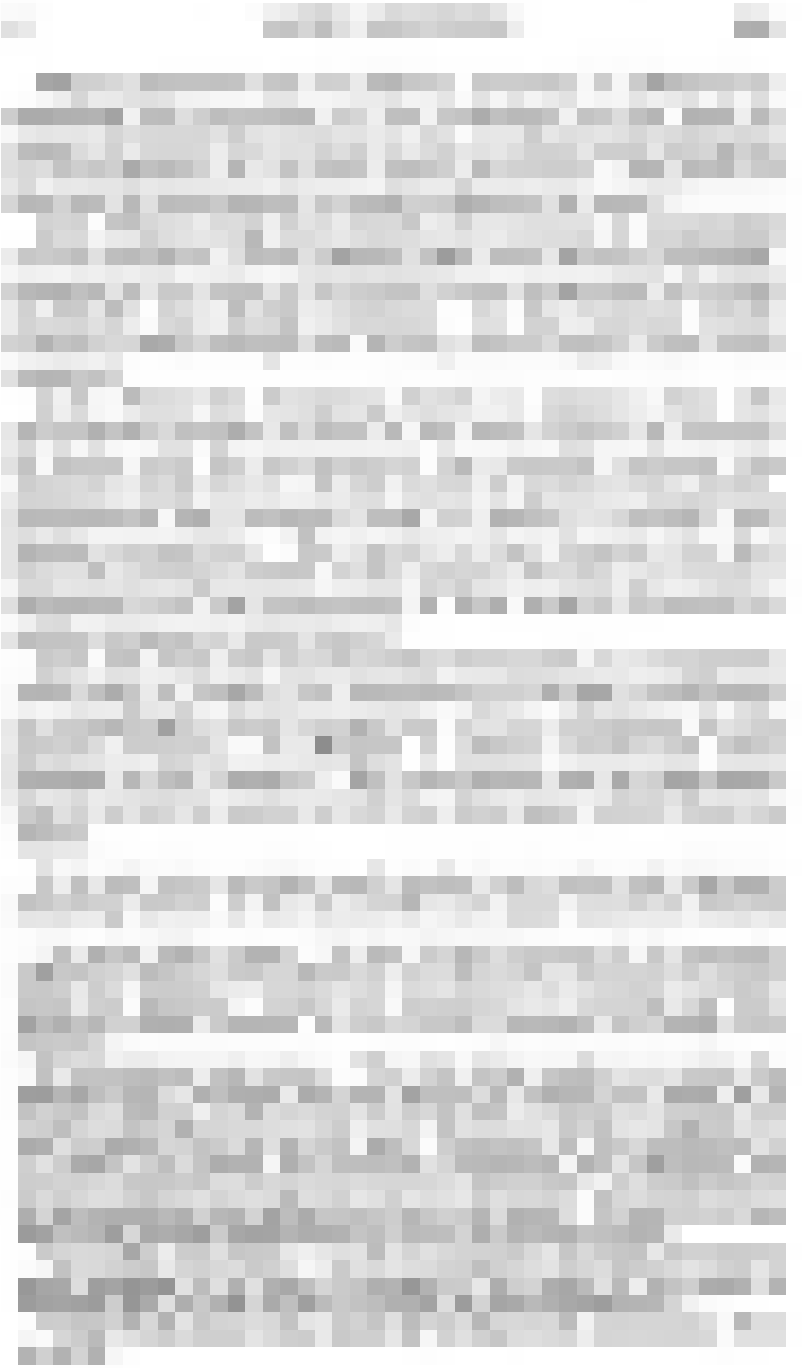
[2] An Indian critic notes: 'Is not the proportion of wealth diverted for public purposes to be lower of necessity if the wealth of the people is extremely low, in order to leave a margin for their subsistence?'

[3] *More Truths about India*, issued by the East India Association, 1913–14, p. 65.



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Konatalapalli is a typical upland village in a backward portion of the Krishna District. It has a population of 1,300, and an area of 2,700 acres, of which 2,500 are comprised in holdings. It grows millet on about 1,000 acres, cotton on about 400, pulses on 200 or 300. There are also a few paddy fields. Castor-oil and chillies are grown on small areas. There are some fruit and liquor trees. The population comprises, besides the agriculturists, only the usual village artisans, a few weavers, and a few persons connected with the liquor trade.

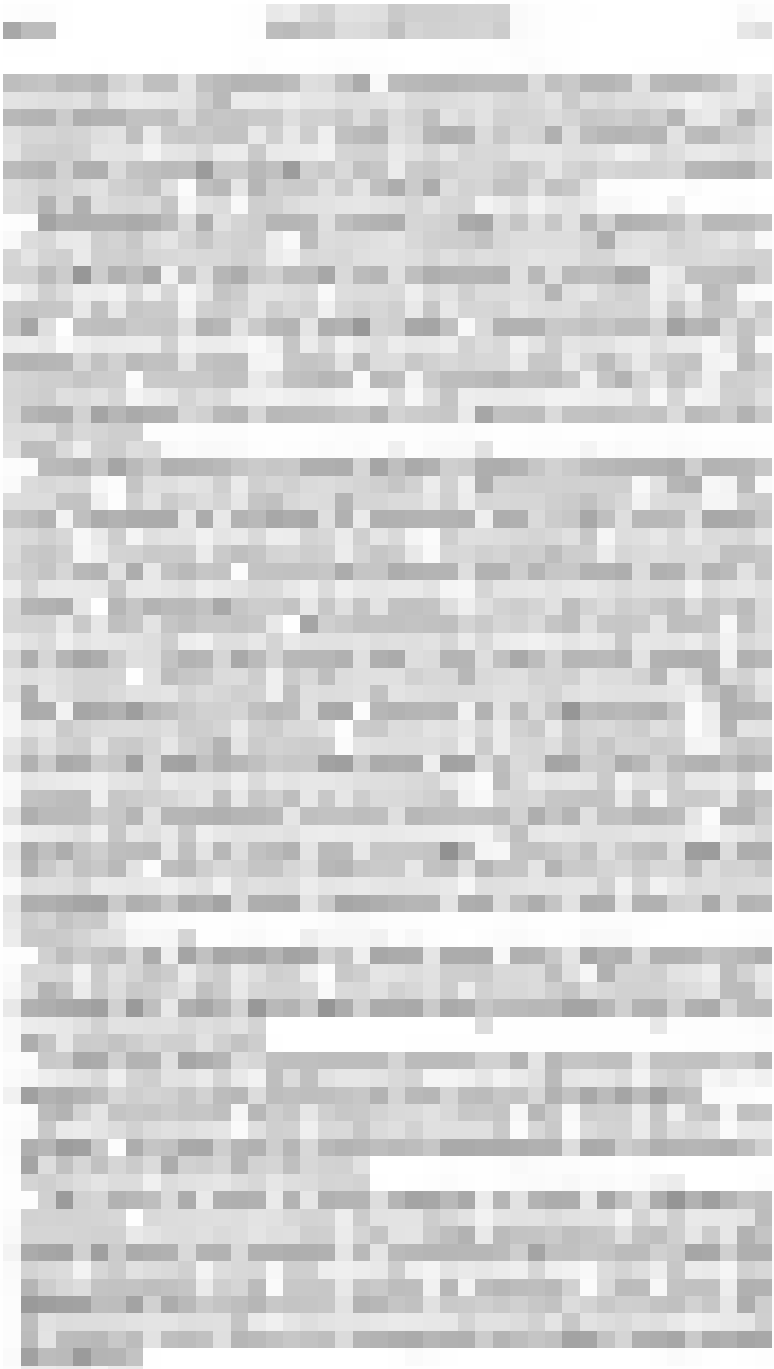
Torre San Patrizio is a typical upland village in a backward portion of Italy. It has the same population as Konatalapalli, 1,300. The area comprised in holdings is somewhat less, 2,000 acres against 2,500. It grows maize and wheat. Konatalapalli eats its millet and sells its cotton. Torre San Patrizio eats its maize and sells its wheat. Konatalapalli has its oil seeds; Torre San Patrizio its oil-fruit on the olive-trees. Konatalapalli has a few liquor trees, but not many; Torre San Patrizio has a few liquor shrubs (vines), but not many. Pulses are grown as secondary crops in both villages. The population of Torre San Patrizio is all agricultural. There are the usual village artisans. There are no rich proprietors. There are not even weavers as a class apart, but in a few ryots' houses the women work at the loom in the winter. The people of Torre San Patrizio are vegetarians, not from choice but from necessity. They cannot afford to eat meat, nor even eggs. They sell their eggs and their fowls. They cannot afford to eat wheat bread, but eat maize porridge and maize bread, vegetables, and fruit, and what the cow produces.

The soil of Konatalapalli is black regar clay, which grows good crops of millet and cotton. The soil of Torre San Patrizio is light-coloured clay, which grows fair maize and good fodder crops but very poor wheat and vines.

I shall now draw a comparison between the taxation paid by the peasants of Torre San Patrizio and the ryots of Konatalapalli.

The government land revenue is nearly the same in the two villages. It is just over Rs. 3,000 at Konatalapalli, and 4,568 francs = Rs. 2,741 at Torre San Patrizio.

But when we come to local taxation on land the difference is enormous. It is law in Italy that village panchayats shall not add cesses for their own purposes to government direct taxes until they have exhausted every other source of taxation. But Torre San Patrizio has only, apart from akbari, land, houses, and cattle to tax. It therefore taxes these, what corresponds with akbari being entirely insufficient.



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Konatalapalli pays Rs. 250 local cess. Torre San Patrizio pays 1,707 francs = Rs. 1,024 to the Taluk Board, and besides this 6,337 francs = Rs. 3,803 to the village panchayat, or a total of nearly Rs. 5,000 cess on the government land revenue of Rs. 2,741.

Nor is this all. For the cess is only one of the taxes extracted by the Torre San Patrizio village panchayat from the ryot. The total revenue of the panchayat is Rs. 9,000, or more than three times the Government land revenue of the village.

The revenue of the Torre San Patrizio panchayat is made up as follows :

	Rs.
CESSES	
Cess on government land tax	3,803
Cess on government house tax	329
TAXES	
Cattle	2,671
Family or hearth tax	831
Octroi (chiefly on wine)	706
PROFITS	
Profits on communal land, houses, oilpress, cemetery, oven licence tax	429
CONTRIBUTIONS	
From government for schools	159
From Taluk Board for schools	79
	Rs. 9,007

The cesses, the cattle tax, and the hearth tax, amounting to Rs. 7,634, come straight out of the pockets of the ryots, and are a burden on the land the ryots till, the cattle with which they till it, and the houses they live in. Besides this Rs. 7,634, they have to pay Rs. 2,741 land revenue and Rs. 237 house tax to Government, and Rs. 1,024 land cess and Rs. 106 house cess to the Taluk Board. The land, cattle, and village site of Torre San Patrizio thus bear a burden of Rs. 11,854, while the land, cattle, and village site of Konatalapalli bear a burden of little over Rs. 3,000. Nothing is levied on Konatalapalli cattle, there being no government forest reserve in the neighbourhood.

I reckon the gross agricultural income of Torre San Patrizio at Rs. 90,000. This figure is based upon researches extending over twenty years, and is very accurate. For Konatalapalli I cannot make so accurate an estimate. But the village officers tell me the crop on an acre of cotton is sold at about Rs. 40, and that on an acre of cholum at about Rs. 30. These two products alone, grown on about 400 and 1,000 acres respectively, yield Rs. 46,000 a year gross. Then there are hundreds of acres of pulses and other products, including fifty of wet paddy, and I must also reckon in the milk and other products of the cows and buffaloes, and the profit on

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cattle-rearing (for I have included these and many other items in my estimate for Torre San Patrizio), and I do not think a lower estimate than Rs. 70,000 could be made for the total gross agricultural income of Konatalapalli.

The land at Konatalapalli is selling at Rs. 150 to Rs. 200 an acre. The average at Torre San Patrizio is about Rs. 350 an acre. There are about 2,500 acres at Konatalapalli, 2,000 at Torre San Patrizio. The market value of the land at Torre San Patrizio may therefore be put at 7 lakhs against about Rs. 4,37,500 at Konatalapalli. But it must be remembered that the rate of interest is lower in Europe, and land at Torre San Patrizio is sold at a higher number of years' purchase than in the backward Nandigama Taluk of the Krishna District.

The number of years' purchase reckoned at Torre San Patrizio is about twenty-five, the sum reckoned as net income being taken to be what is derived by a resident owner who is not the actual cultivator, but gives the land out on the half-sharing system to actual cultivators. The net income corresponding with Rs. 350 per acre market value is Rs. 14 per acre. The taxation is Rs. 6 per acre. Therefore public bodies take Rs. 6 out of every Rs. 20 net income.

This estimate of Rs. 14 per acre is strikingly confirmed by an examination of private accounts of thirty years. The figures worked out to almost exactly Rs. 14 per acre.

Accordingly the net agricultural income of the 2,000 acres at Torre San Patrizio may be put at Rs. 40,000, of which Rs. 12,000 is taken by public bodies, and Rs. 28,000 or about Rs. 22 per head of population left to the ryots; the figure for gross income being Rs. 70 per head.

At Konatalapalli twenty years is the limit of the number of years' purchase that can be taken. On the same principle the net income of Konatalapalli is Rs. 8–12 per acre against Rs. 14 per acre at Torre San Patrizio; the total for the 2,500 acres is just under Rs. 22,000 against Rs. 28,000; taxation takes Rs. 3,000 out of Rs. 25,000 against Rs. 12,000 out of Rs. 40,000; the net income per head of population, after paying taxes, is Rs. 17 against Rs. 22; the gross income per head is Rs. 55 against Rs. 70.

The net income is something of a fiction in the case of populations composed chiefly of peasant proprietors. The gross income is perhaps a better test of relative taxable capacity. But it must be pointed out that neither gross nor net income per head is a fair test until allowance is made for difference in cost of living. I should say this difference would cover the whole excess of Rs. 15 gross income which the Torre San Patrizio peasant apparently enjoys. For I should say that the more costly dwellings and clothes and cattle shelters necessitated by the European climate cost the Italian peasant at least the difference, Rs. 15 per head per annum. The Konatalapalli ryot probably has more to spend on luxuries after providing for food, clothing, and shelter. He certainly does spend

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more on marriages, jewellery, &c. The Torre San Patrizio population has scarcely any money at all for such indulgences as jewellery. I should say there was at least Rs. 25 worth of jewellery at Konatalapalli for every rupee's worth at Torre San Patrizio. On the other hand, the population is ever so much better housed: there is a protected water supply, the streets are paved and are kept clean and lighted; there are metalled roads to the neighbouring villages; there are a doctor and midwife paid from the village fund who have to attend all classes gratuitously; all the male and all the female children are taught the elements of learning gratuitously at the village schools; there is hardly any disease, and the mortality is just half what it is at Konatalapalli. Torre San Patrizio also shares the services of a veterinary, of an agricultural expert, and of an engineer, with neighbouring villages.

Some details of expenditure may be of interest. The payment of debt accounts for Rs. 1,200 per annum, sanitary expenditure for Rs. 2,200, education Rs. 1,500, public works Rs. 630, office and menial establishment Rs. 2,100. For luxuries—maintenance of a rifle-range (Rs. 300), maintenance of a brass band (Rs. 180)—only small sums are provided. Richer villages in Italy maintain opera houses, allot funds for the celebration of festivals, make the chairman an entertaining allowance, and so on.

The doctor at Torre San Patrizio gets Rs. 100 a month, plus vaccination and other small allowances; the boys' teacher Rs. 55 a month, and the schoolmistress Rs. 40.

The public works allotment is only for maintenance. The original construction of buildings and roads was defrayed from loans, which have not yet been completely paid off. There is a special state bank in Italy which makes loans to local bodies. For objects, such as water supply and school buildings, which the Government has much at heart, the interest on the loans is reduced to 3 per cent., the state paying the difference between this and the market rate of interest. A particular amount of the village land and house cess has to be earmarked and set apart for the service of any loan that may have been taken.

Another fact which may be of interest is that Torre San Patrizio is not peculiar in raising cesses at such high rates. The total land revenue of Italy was 96 million francs last year. The cesses on this raised by District Boards and village panchayats amounted to no less than 175 million francs. The land cess in Italy is, accordingly, 29 annas in the rupee. Here it is one anna in most districts.

Another difference that may be noted is that here the land cess increases automatically if the land revenue is increased at a resettlement. In Italy it would not be so increased. The local body determines each year what amount it requires, and fixes the number of additional centimes accordingly. In practice, however, variations are seldom made, because the panchayat's expenses vary very little. In Torre San Patrizio exactly the same amount of land and house cesses have been levied for the last thirty-four years.

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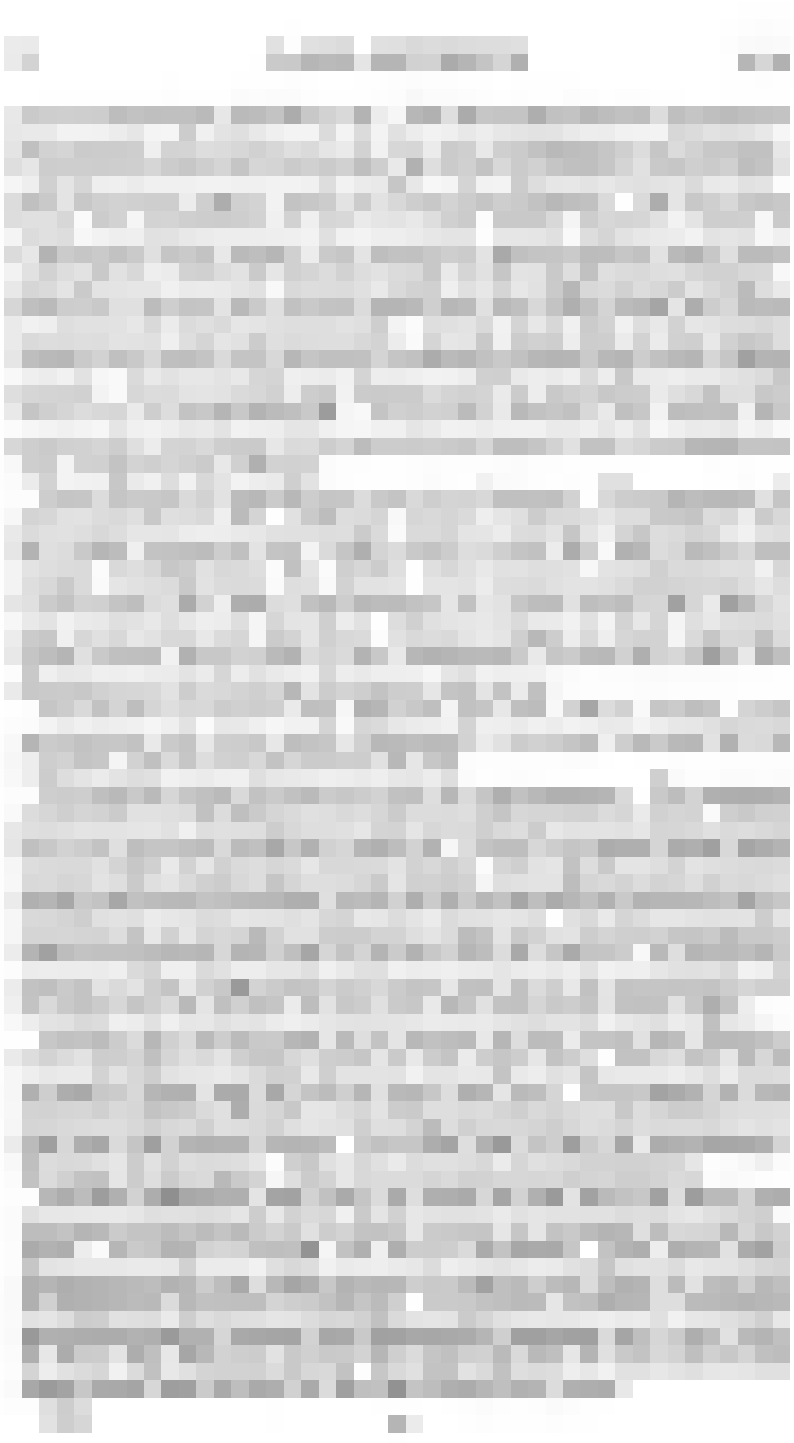

What are the conclusions to be drawn from all the above facts? I leave that to the reader. I will only observe that all great advances in civilization cost immense sums of money, and that village sanitation and free universal education are quite new things even in Europe, but that no European nation regrets the enormous sacrifices they have involved.[1]

§ 39. The truth is that the financial policy of the government of India has been dominated by the maxims of the Manchester school, which held that the greatest possible amount of wealth should be left to fructify in the pockets of the people. The same maxim has ruled in England, and, as Mr. H. A. L. Fisher, the President of the Board of Education, has shown in his recent speech, vast sums, instead of 'fructifying', have been spent on drink and other luxuries which can be dispensed with, without any loss to national efficiency. Education, meanwhile, has been starved, with the result that the British people has been distanced by Germany and several other countries in the race for industrial and general efficiency. In the present war this relative backwardness has brought the whole Commonwealth within an ace of destruction. In India, too, the money left in the pockets of the people has largely failed to fructify. The temptation to spend it on marriage ceremonies and other forms of festivity has been too strong to resist. Our system has allowed vast sums to be spent on useless litigation—the only occupation which an argumentative people have found a congenial substitute for their earlier feuds and forays. Despite the poverty of India there are vast funds capable of diversion from luxuries to education and the industrial development of the country for any government which is strong enough to take them. But it is not only the maxims of Manchester which have dominated the British government in India. It is also the necessities of the situation which were wisely recognized. For, as Lord Cromer was never tired of urging, a great dependency will only submit to a foreign government so long as the rate of taxation is kept exceedingly low. His case is unanswerable; yet the fact remains that, under modern conditions, a low rate of taxation is not consistent with such a measure of progress as will keep the country abreast of others. Still less can

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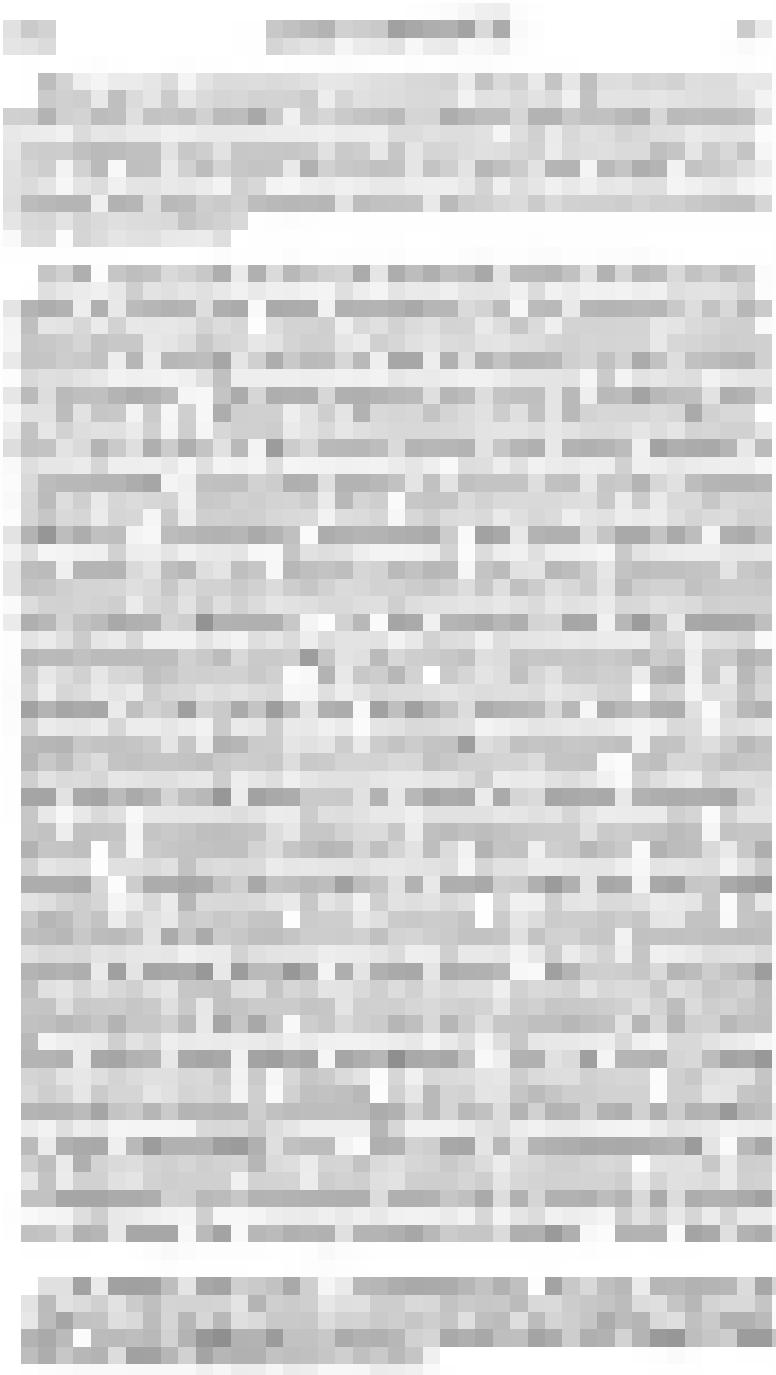

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a backward country be raised to the average level, without increasing the proportion of its wealth taken for public purposes. On the other hand elective bodies in India are said to be unusually reluctant to increase the rate of taxation.[1] It would seem, therefore, that India can hope to progress only in so far as the power to raise additional revenues is accorded to representative bodies, and, likewise, only in so far as those bodies will face the duties imposed upon them.[2]

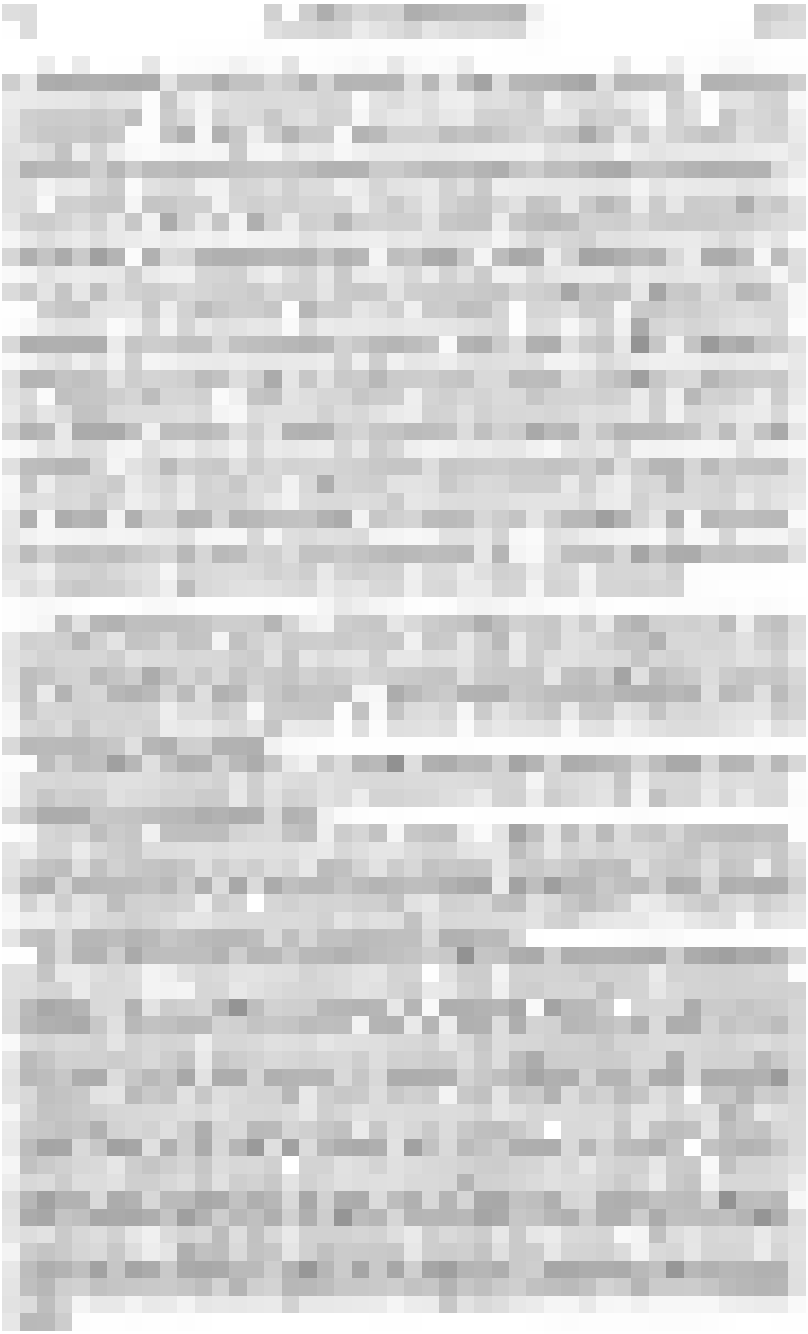
Note.—A criticism from an Indian on the general conclusions of the foregoing study, and also of Mr. Galetti's method of comparing an Indian and Italian village is printed as Appendix B. The reader's special attention is drawn to this paper, which is fairly typical of Indian opinion on the subject. A point of view widely entertained by large sections of people on matters affecting themselves is a political fact at least as well deserving of study as columns of figures. In a note at the end of this Appendix B. I have endeavoured to explain a point which I feel my critic has missed.

[1] A commissioner notes: 'This is probably due in part to the idea generally prevalent that government has vast sums available and could easily make good all deficiencies of income without making further inroads on the pocket of the taxpayer. With further decentralization and the discontinuance of the system of finance by doles this reluctance will probably in time vanish.'

An Indian critic notes: 'I would submit that elective bodies are not reluctant to increase the rate of taxation if they have the power of controlling its disbursement also.'

[2] A senior member of the I.C.S. notes: 'This is the real limitation. Indian politicians are at no pains to discount the popular belief that the state always has at its disposal untold wealth, produced, like the contents of the conjuror's hat, spontaneously, and their platform, if they have any, postulates reduced, not increased, taxation.'

A civil servant who had reached one of the most responsible positions in India notes: 'Your conclusion that, with representative institutions, taxation can be largely increased, is perfectly sound. It was one of Gokhale's cherished convictions, and he told me personally that he was quite certain that, when once some method of responsibility in government had been evolved, the amount of taxation, including local and municipal taxation, which the people could stand, and would benefit by, might be multiplied by three times what it is at present. At the same time, of course, there is the risk of putting the cart before the horse. Cromer's dictum is perfectly sound, and it is not legitimate to argue that, because taxation can be raised side by side with the bestowal of responsible government, therefore the people are fit for responsible government and can safely be given it! I make this observation merely as a *caveat*. You know my views are fairly liberal in regard to the bestowal of responsible government, only I want to avoid the appearance of arguing in favour of it on a mistaken basis.'



a backward country be raised to the average level, without increasing the proportion of its wealth taken for public purposes. On the other hand elective bodies in India are said to be unusually reluctant to increase the rate of taxation.[1] It would seem, therefore, that India can hope to progress only in so far as the power to raise additional revenues is accorded to representative bodies, and, likewise, only in so far as those bodies will face the duties imposed upon them.[2]

Note.—A criticism from an Indian on the general conclusions of the foregoing study, and also of Mr. Galetti's method of comparing an Indian and Italian village is printed as Appendix B. The reader's special attention is drawn to this paper, which is fairly typical of Indian opinion on the subject. A point of view widely entertained by large sections of people on matters affecting themselves is a political fact at least as well deserving of study as columns of figures. In a note at the end of this Appendix B. I have endeavoured to explain a point which I feel my critic has missed.

[1] A commissioner notes: 'This is probably due in part to the idea generally prevalent that government has vast sums available and could easily make good all deficiencies of income without making further inroads on the pocket of the taxpayer. With further decentralization and the discontinuance of the system of finance by doles this reluctance will probably in time vanish.'

An Indian critic notes: 'I would submit that elective bodies are not reluctant to increase the rate of taxation if they have the power of controlling its disbursement also.'

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APPENDIX A

NOTES ON ASSESSMENT OF LAND REVENUE, EXEMPTION OF SITE VALUES, AND REDUCTIONS OF AMOUNT LEVIED (see p. 262)

On this subject the following note was made by an officer who, as will be seen, speaks with the highest authority. 'I don't know whether the writer has any information about other provinces, but I can claim for the United Provinces that there is no conflict. Since it became necessary to enforce restrictions on the increase of revenue *no settlement has been made in the United Provinces of which the supervision has not been entrusted to me.* I am aware that some cynics charge settlement officers (even myself also) with "faking the assets", but I repudiate the charge. I insist on a fair valuation of the assets, the calculation of which, in the United Provinces, is based on principles sanctioned by the Government of India, and not in the least altered by the decision to limit the resulting enhancement of revenue. My object is to show the government exactly what is being lost by the restriction on the revenue; and in actual practice the restriction has been effected sometimes by taking a percentage of the assets substantially below 45 per cent. E. g. in two fair-sized tracts in a large district now under settlement the percentage of the assets is 43·8 per cent. and 43·6 per cent. respectively.

'I may add that the restriction works unevenly. In some districts recently settled the average enhancement of revenue has been relatively small, 10 to 15 per cent. In their case, with assets calculated on exactly the same principles as elsewhere, the percentage taken as revenue is 47 or 48 per cent., and the result is a distinct inequality of assessment. The rich progressive district gets off much more lightly than its less prosperous fellow, which has probably paid a relatively high revenue throughout the term of the last settlement.'

Another revenue officer notes: 'It might be thought that the regular reduction in the amount taken by Government denoted a policy on the part of the Government of India. There was of course no policy in the sense that the money released was to be used anyhow else; the reduction was just made in answer to clamour and on the general grounds that it was safer to keep taxation low.

'I suggest that it should now be made a matter of deliberate policy; the reduction being made explicitly on the ground of enabling local bodies to increase their cesses. The next step would be to reduce the enhancement to 25 per cent. on a whole district and to 37½ per cent. on any one mahal. In the meantime the school of revenue officials which proposes to effect the reduction by faking the assets should be transferred to the judicial line. It never has and never can do any country or administration any good to falsify returns. Moreover, with genuine returns there would be provided evidence that government was reducing its land revenue, and the

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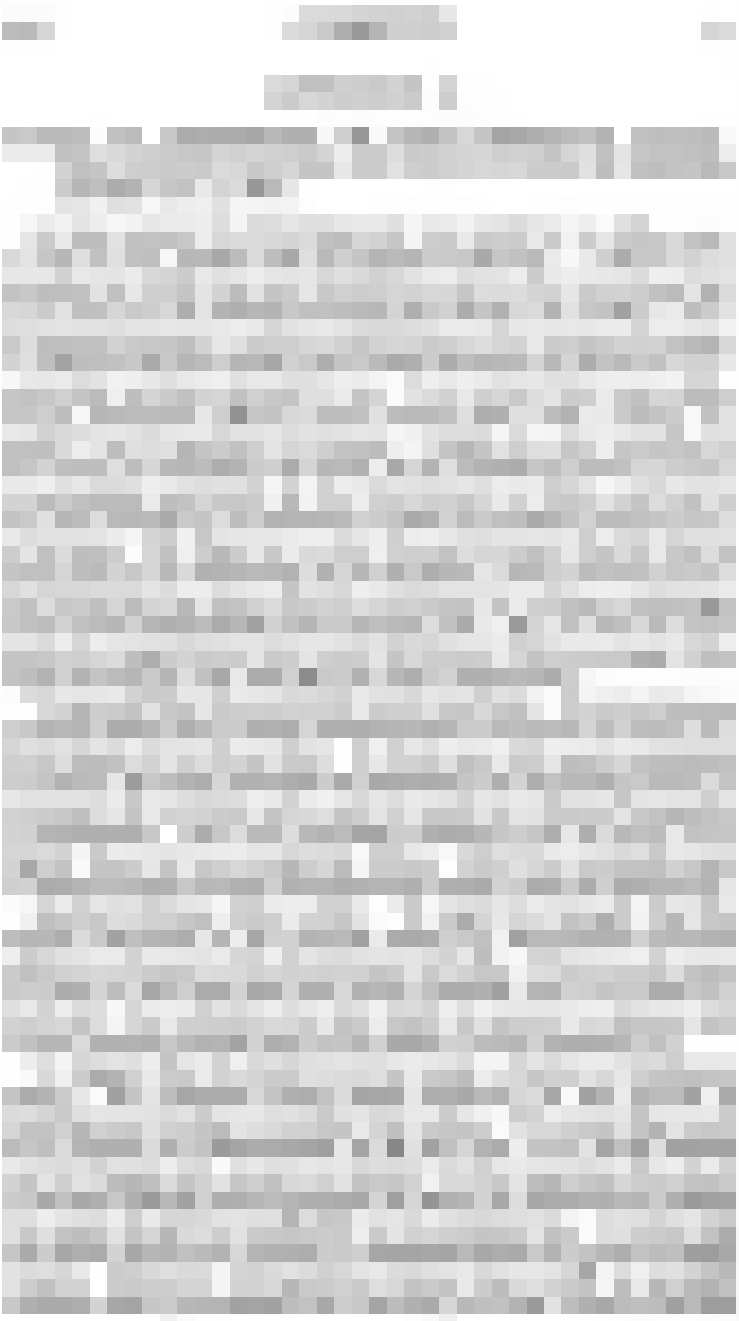

local bodies would the more readily (and with less zamindar opposition) put on the cesses. Again, with such direct evidence of the reduction of the land revenue percentage, it would become possible in future generations to increase the limit of cesses which local boards might impose.

'I entirely agree that the surrender of the unearned increment on land, as it changes from an agricultural use to urban uses, is logically indefensible and administratively unfortunate, because much revenue has gone beyond recall. There is, however, a historical basis—I might even say justification—of which the author of the study is presumably aware, and which I do not therefore propose to recite in detail, but which must affect future proposals.

'The principle under which I did my settlement was to exclude from assessment everything which was not strictly agricultural: e.g. cattle-market dues, bazaar dues, were excluded and referred to the proper authority for income tax.

'Any assessment on urban lands will therefore include a revision of the principles as at present applied to villages also. This I am prepared to recommend, as I did when on settlement, only to be overruled.

'The main results of the development of Georgian principles which seem desirable are therefore:

(1) That village-inhabited sites will be theoretically assessable.

(2) That any waste lands in an agricultural tract, from which rents or dues are realized, will be assessed in a similar way to agricultural lands, after deducting the cost of initiation and maintenance. E. g. a cattle-market requiring Rs. 100 advertisement, Rs. 500 in enclosing, and Rs. 6 a month in pay of clerks and Rs. 5 a month in pay of chaukidars, bringing in a monthly income of Rs. 100, would be assessed:

			Rs.
	Gross income		1,200
less	Recurrent cost	132	
	Interest on improvement	60	192
	Net cost		1,008

Assessment Rs. 500 or Rs. 450.

(3) Any land which shall in future change from agricultural to urban uses, and which at present pays land revenue on ordinary agricultural assessment, shall continue to be assessed in a similar manner (i.e. on a 50 per cent. basis in United Provinces), whatever urban uses it may be put to.

(4) With respect to land already under urban use, but still under agricultural assessments (i. e. limited by the highest agricultural rate), the limit shall be removed, and the land shall be assessed up to 50 per cent. of its rental value, provided that no one enhancement shall exceed 33⅓ per cent.

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(5) With regard to land now free of any land revenue at all, nothing can be done except through a municipal tax on rental value.

'In all cases of land within municipal or town areas, in my opinion, the revenue obtained ought to be a divided head between the central authorities and the local boards. This would give the central government some increase of revenue, but would be (I should propose) mainly used to assist local finances, and would relieve the central government of giving doles, as is now done, to a large extent.

'With regard to District Boards, a division of certain portions of land revenue would be very cumbrous, if indeed possible. The District Boards which at present receive grants should be given a proportion of the land revenue in its place, and for any further money required should be given power to apply for the imposition of cesses, preferably, in my opinion, a graduated cess on net revenues of Rs. 101 and over—say on:

Rs.	*Per cent.*
101–250	$1\frac{9}{16}$
251–500	$3\frac{1}{8}$
501–750	$4\frac{11}{16}$
751–1,000	$6\frac{1}{4}$

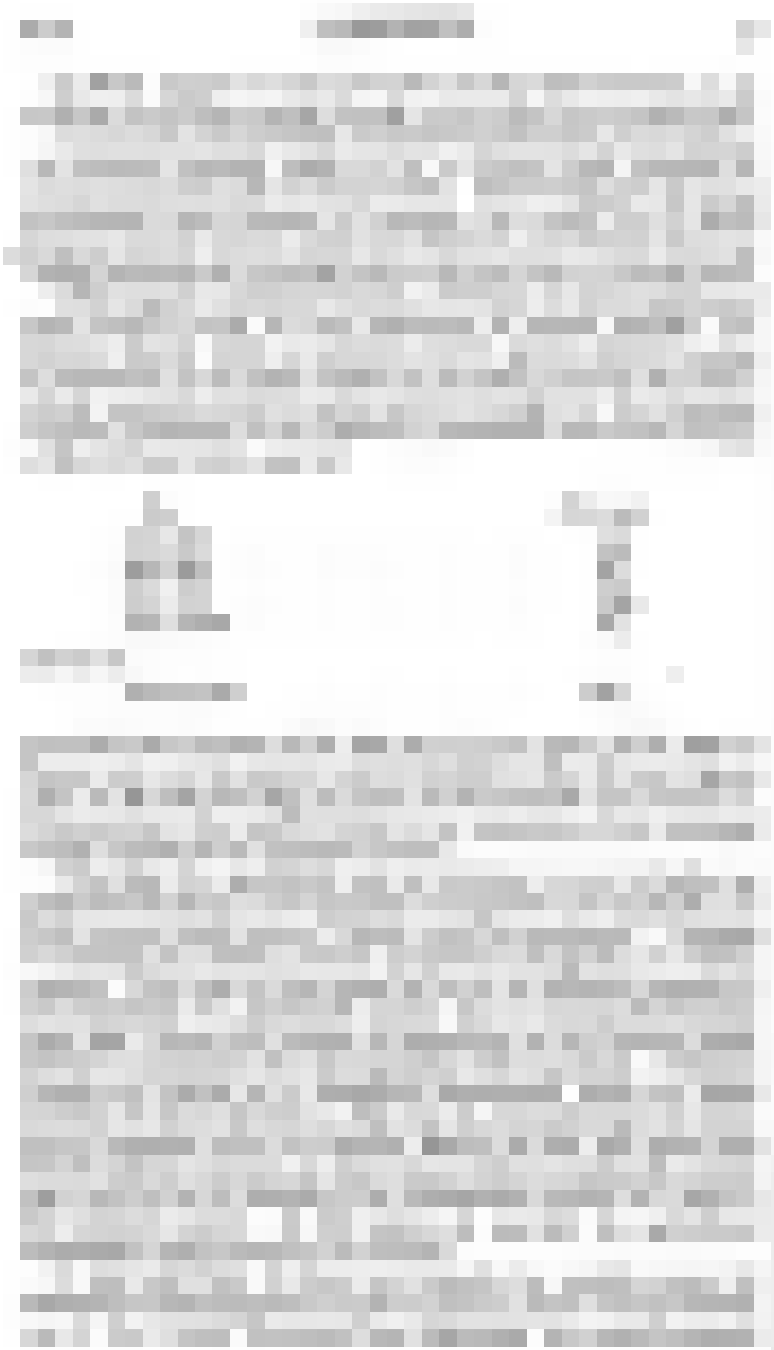
and so on.

Over 5,001	$12\frac{1}{2}$

provided that incomes of Rs. 251 pay $1\frac{9}{16}$ per cent. on Rs. 250 and $3\frac{1}{8}$ per cent. on the amount above, incomes of Rs. 501 pay $1\frac{9}{16}$ per cent. on Rs. 250 and $4\frac{11}{16}$ per cent. on the amount over, and so on. This proviso is the result of what in my experience three municipal boards considered an equitable system.

'The idea of a graduated cess on revenue is new in India, but graduated taxation is now generally recognized to be equitable, and land revenue itself cannot, I think, ever be graduated. I propose to exclude the smaller peasant proprietors altogether, for obvious reasons. This form of cess seems to me to be infinitely superior to the imposition of a graduated income tax on incomes derived from land, and I throw the burden of imposition on the District Board, which is a guarantee that the imposition will be gradual. If District Boards are placed as a delegated department under an Indian ministry so much the better; but even so, I should retain the initiation of taxation with the District Board, as this will ensure that benefit follows taxation, an object about which considerable anxiety may well be felt in handing over considerable powers to a more or less untried council. It will above all prevent the agricultural community being taxed for city benefit.

'I may add that if there are councils for smaller areas, the initiation of cess imposition might be given to these councils entirely, e.g. if the United Provinces were redivided for council purposes



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into Oudh, Bundelkhand, Kumaon, Agra, and Allahabad, it being recalled that the Oudh, Bundelkhand, and Kumaon Commissions existed within recent times but were absorbed for the centralizing process beloved of secretariats.

'If, however, we are to have nothing between the United Provinces' Council and District Boards, although I should prefer to have the initiation of cess imposition left with District Boards, I would be prepared to compromise, giving the Council the power to impose cesses ranging from say $1\frac{9}{16}$ per cent. to $6\frac{1}{4}$ per cent. on incomes over Rs. 500, and making a corresponding reduction on the amounts assessable by District Boards.

'I may note that $1\frac{9}{16}$ per cent. represents 1 pice per rupee; $3\frac{1}{8}$ per cent. represents 2 pice per rupee, and so on. In my opinion all percentages should be calculated on that basis; and such a figure as $33\frac{1}{3}$ per cent. is worthy of the utmost condemnation, being a purely English idea representing a third; a third of a rupee being the awkward sum of 5 annas 4 pies.'

A third revenue officer notes: 'In connexion with the subject of periodical revisions of land revenue I should be inclined to lay more stress on the fact that it is the landlords themselves who determine the assets of a village. I hope the danger of extending the system of permanent settlements is past, but the cry for extension is not dead, and every warning given by careful students may be useful. Any lengthening of the period of settlement is an out-and-out gift to the zamindars at the expense of the general taxpayer, and certainly not for the benefit of the cultivator in the United Provinces, except where the zamindars are the principal cultivators. The rent of non-occupancy tenants is fixed by competition pure and simple. The power and desire of the zamindar to raise the rents of occupancy tenants is restricted by law. As a general rule, the zamindar is unwilling to give his tenant fixity of rent for anything like the thirty years during which his revenue remains unchanged. At settlement the settlement officer does occasionally raise the rents of occupancy tenants of his own motion, as is pointed out in the pamphlet. It may be taken for granted that this is done only when it is certain that the zamindar would apply for, and get, enhancement immediately after the settlement operations were at an end. Non-rented land, proprietary cultivation, &c., is valued at rates which go on increasing from settlement to settlement, but they are based on the rents which the zamindars fix for tenants and, in practice, they are very much lower than competition rents. In other words, the periodic enhancements of land revenue are the direct result of enhancements of rent imposed by the zamindars themselves (as a result of increased prices, improvements in communications, &c., it is true, but still imposed by the zamindars themselves). The percentage of assets taken, as pointed out in the note, has been gradually reduced in theory till the share now left

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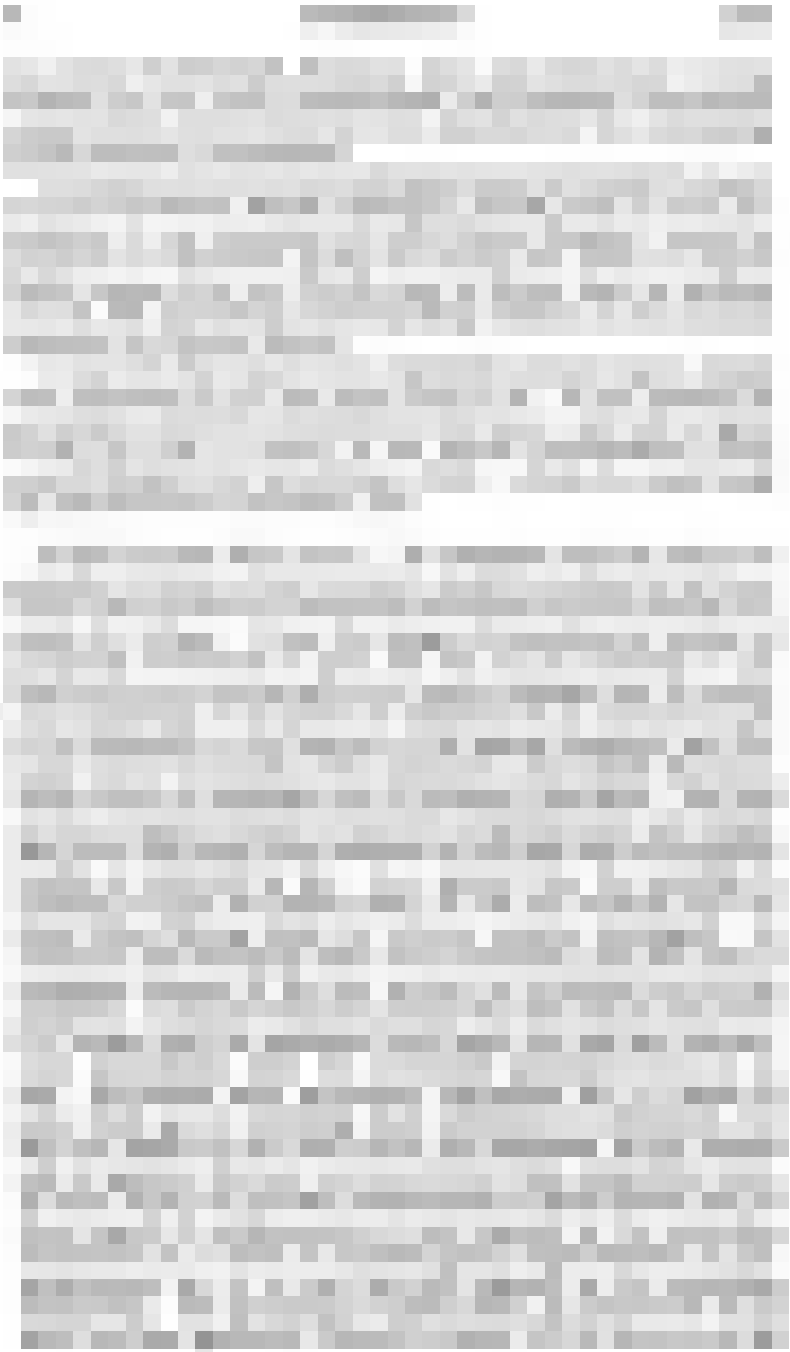

to the zamindar is out of all proportion to what it was when their rights were conferred on them, and, in the United Provinces, at any rate, the percentage actually taken is gradually becoming more and more in defect of the theoretical percentage. In ryotwari tracts and in places where the zamindars are cultivating communities any increase in the land revenue is borne by the cultivator to some extent, and may be regarded as a burden on the land. But every cultivating proprietor bought or succeeded to (apart from his tenant rights) a share of the unearned increment which was never more, and was originally much less, than he now has. Where there are outside zamindars, and it is these who howl against progressive enhancements, I do not see how an increase in the land revenue can be, in any way, an increase in the burden on the land. The predecessor in interest of the zamindar was given, or acquired for a price, what was in effect managing rights in the land plus a share in the profits, the other share being reserved to the state. If he is a descendant of the original zamindar he now gets a much bigger share than was given to his ancestor. If he is the representative of a purchaser the purchase money paid was governed by the share which became the purchaser's, and that share has been gradually increased as a matter of grace. The experience of Bengal shows that the zamindar does not expend the increasing profits which he realizes on the improvement of the land. There are good zamindars who devote much attention (the actual outlay is generally paid by the tenant or is, at least, remunerative), but the number of these would not be increased by extending the period of settlement. After all, the zamindar gets the whole benefit of improvements for anything from thirty to sixty years and more than half of the benefit thereafter. The system of periodic revisions does not affect the amount paid by the cultivator. It takes an increasing amount (as a rule), but a decreasing percentage of the increasing profits derived from marketable rights which were in part alienated by the state. If the system affects rents at all it is probably in the direction of checking growth, as some landlords believe in keeping down rents in order to keep down revenue.

APPENDIX B

AN INDIAN CRITICISM OF THE STUDY OF LAND REVENUE AS A WHOLE, AND ON MR. GALETTI'S COMPARISON

I

Mr. Lionel Curtis in his study of the subject seeks to establish the following propositions :

First, that the land revenue system in vogue in India is not a British innovation but a mere inheritance from the former governments of the country.

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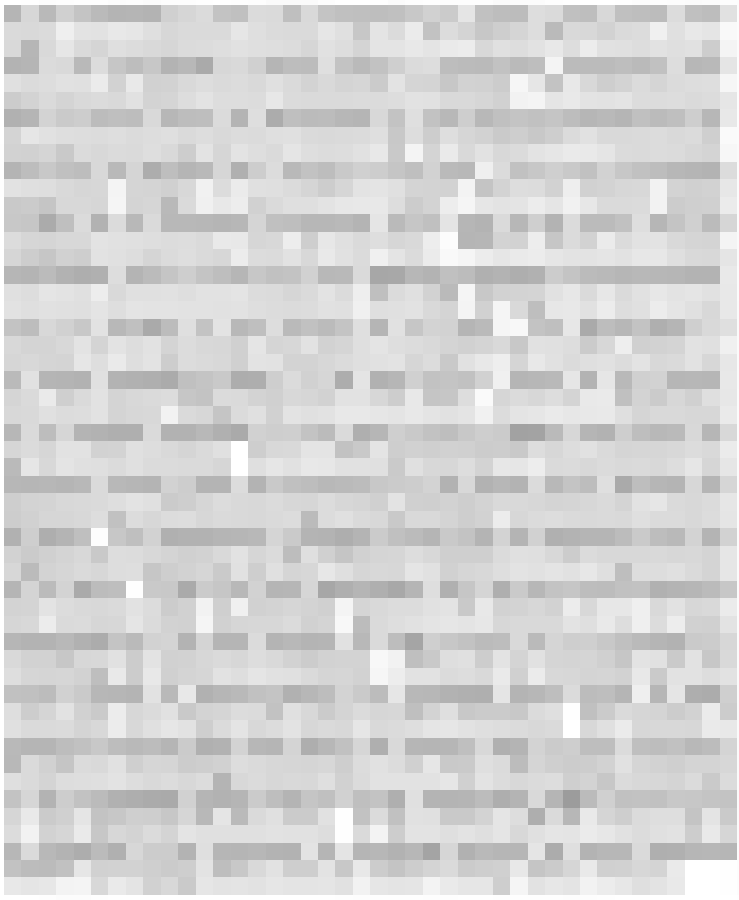

Secondly, that this inheritance confers on the state not merely the right to collect the revenues but the right of general ownership of the land.

Thirdly, that as a natural corollary the revenues collected are of the nature of rent and not at all of the nature of taxation.

Fourthly, that as a further rational corollary there can be and should be no reasonable objection to a periodic fresh valuation of the rents due.

Fifthly, that the incidence of revenue is not only exceedingly moderate as compared with the exactions in pre-British times, but compares very favourably with countries where the circumstances are to some extent similar, such as Italy and Japan.

Sixthly, that the absence of this periodic revision of assessment has led to grave evils in tracts where the mistake of a permanent settlement has been committed.

And lastly, that a backward country like India cannot hope to rise to the average level unless she submits to heavier taxation.

Incidentally Mr. Lionel Curtis has hinted that the Government of India is exceptionally economical, whereas, on the contrary, the people of India are exceptionally wasteful, both on litigation and on social occasions.

It must not be supposed from the above bald summary that Mr. Curtis has laid down all these propositions in so many words. Not at all. His argument is much too subtle and is built up with great skill.

Mr. Lionel Curtis has in a most fair-minded manner made the following admission as well:

'Had government thought from the outset of fitting the people for the various and rapidly changing conditions of life their administration might have contributed more in the end to moral and political as well as to material progress.' Further, it is to his credit that he has not approached the problem from a merely statistician's point of view. He has specially emphasized the intimate relation between social conditions and the revenue system. 'That relation', Mr. Curtis says, 'is nowhere more close than in India, and goes far towards justifying the use of the word "revenue" to denote "general administration".'

II

If the various propositions sought to be proved by Mr. Lionel Curtis are held to have been established the following conclusions are irresistible:

(*a*) That all criticism of the land revenue policy of the Government of India is not only a wicked impertinence but a most unpatriotic undertaking. The government being the owner of the land no critic has any legal *locus standi* to call in question the adjustment of rent between the owner and his tenant. It is sheer waste of time. If taxation is the test of progress the larger the taxes the greater

Secondly, that this inheritance confers on the state not merely the right to collect the revenues but the right of general ownership of the land.

Thirdly, that as a natural corollary the revenues collected are of the nature of rent and not at all of the nature of taxation.

Fourthly, that as a further rational corollary there can be and should be no reasonable objection to a periodic fresh valuation of the rents due.

Fifthly, that the incidence of revenue is not only exceedingly moderate as compared with the exactions in pre-British times, but compares very favourably with countries where the circumstances are to some extent similar, such as Italy and Japan.

Sixthly, that the absence of this periodic revision of assessment has led to grave evils in tracts where the mistake of a permanent settlement has been committed.

And lastly, that a backward country like India cannot hope to rise to the average level unless she submits to heavier taxation.

Incidentally Mr. Lionel Curtis has hinted that the Government of India is exceptionally economical, whereas, on the contrary, the people of India are exceptionally wasteful, both on litigation and on social occasions.

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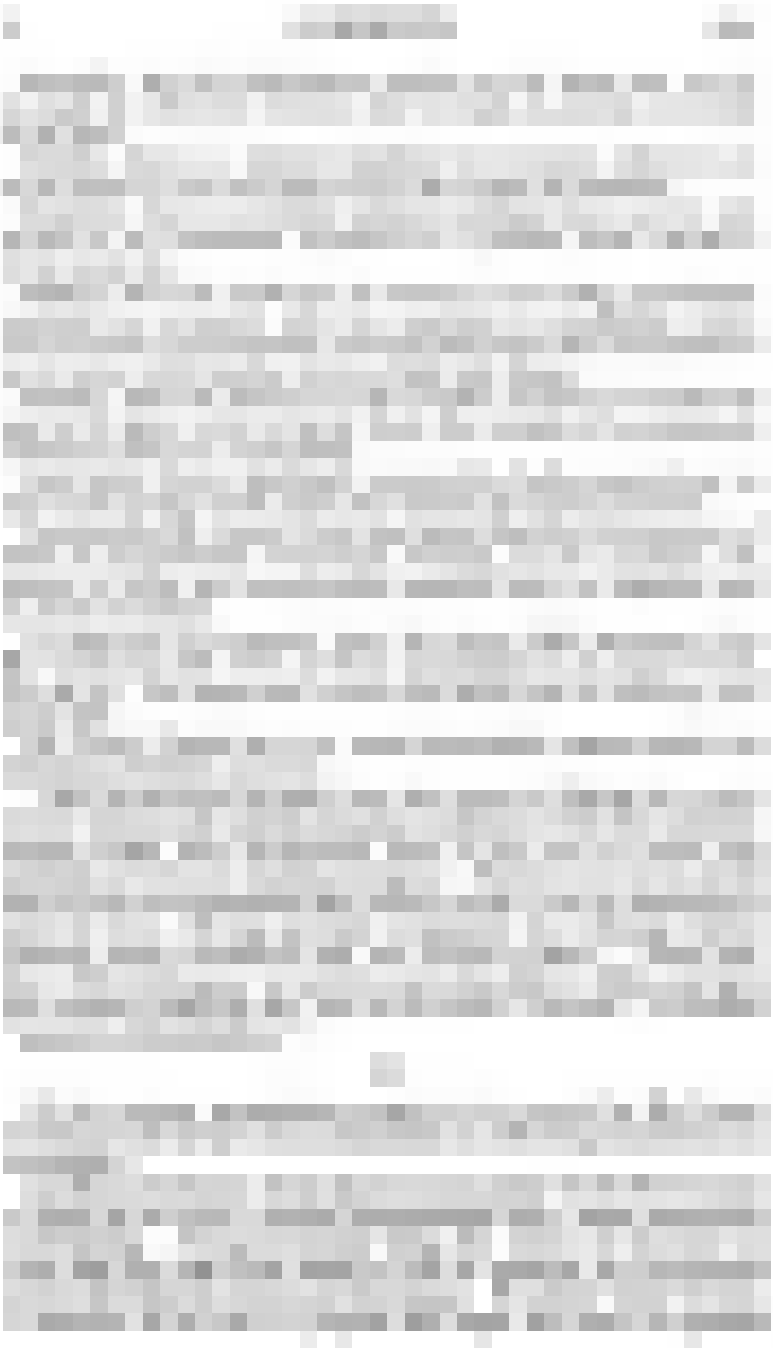

the progress, and whoever stands in the way of enhancement of assessments in the name of patriotism is a self-condemned ignoramus. Mr. Lionel Curtis's study, in short, is intended to be a most crushing criticism of the congress school—the *coup de grâce* to Mr. Dutt's self-created monster of over-assessment.

(*b*) That India being the most lightly-taxed community in the world, and the Indian Government being the most economical, the system should be pushed to its logical extreme, subject, of course, to the condition that the incidence does not reach such a pitch that a foreign government becomes intolerable. In connexion with this last it is of interest to quote the following two sentences from Mr. Curtis: 'For, as Lord Cromer was never tired of urging, a great dependency will only submit to a foreign government so long as the rate of taxation is kept exceedingly low. His case is unanswerable; yet the fact remains that, under modern conditions, a low rate of taxation is not consistent with such a measure of progress as will keep the country abreast of others.' Are we to conclude that the government has intentionally kept the taxation low, and has thus intentionally stood in the way of progress simply in order to gain the selfish object of perpetuating the existing foreign government? Mr. Curtis certainly did not intend to draw that conclusion, but somebody else may. Mr. Curtis also seems to deplore the fact 'that the financial policy of the Government of India has been dominated by the maxims of the Manchester school, which held that the greatest possible amount of wealth should be left to fructify in the pockets of the people'. Mr. Curtis, on the other hand, would in the interests of India (at least this is what he says) prefer that the greatest possible amount of wealth should be withdrawn from the people and should be spent by the state or such bodies as local boards, &c. This last ideal is supposed to furnish the panacea for all evils.

III

The object of the following brief remarks is to present a point of view slightly different from that of Mr. Curtis. It is impossible categorically to contradict each and every statement in Mr. Curtis's study. There is much that is entirely true, there is a great deal that is true only in a narrow sense of the term, but the whole is coloured by an indefinable tinge of racial aloofness. One need not call it prejudice. The study is merely another illustration of the fact that it is next to impossible for the foreign rulers of a country like India to get into the skins of their subjects and feel things as the subject people do.

When a man has the toothache he simply says so. He does not stop to analyse the etiology of the disease. He simply yells it out. In the matter of revenue India has the toothache, and she has been yelling out her pain for the last two decades. Mr. Curtis has analysed the entire structure of the jaw with faultless anatomical knowledge

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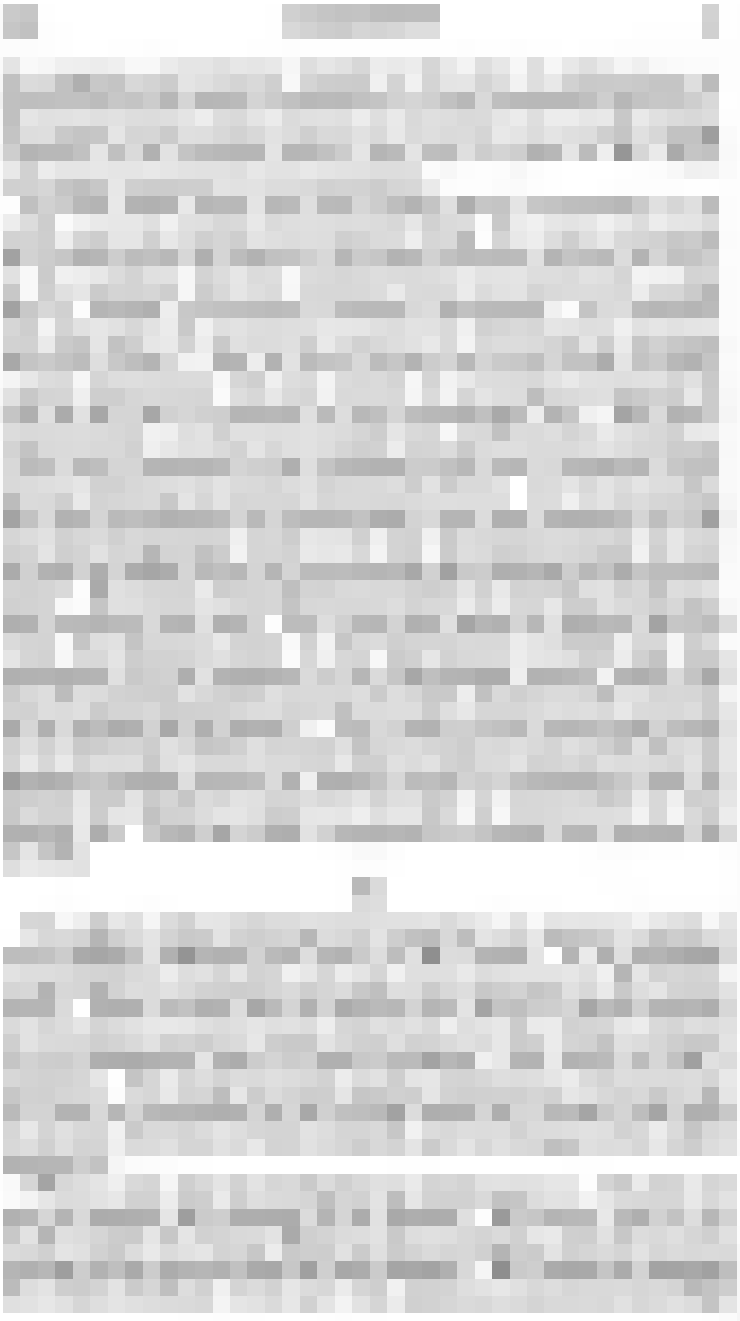
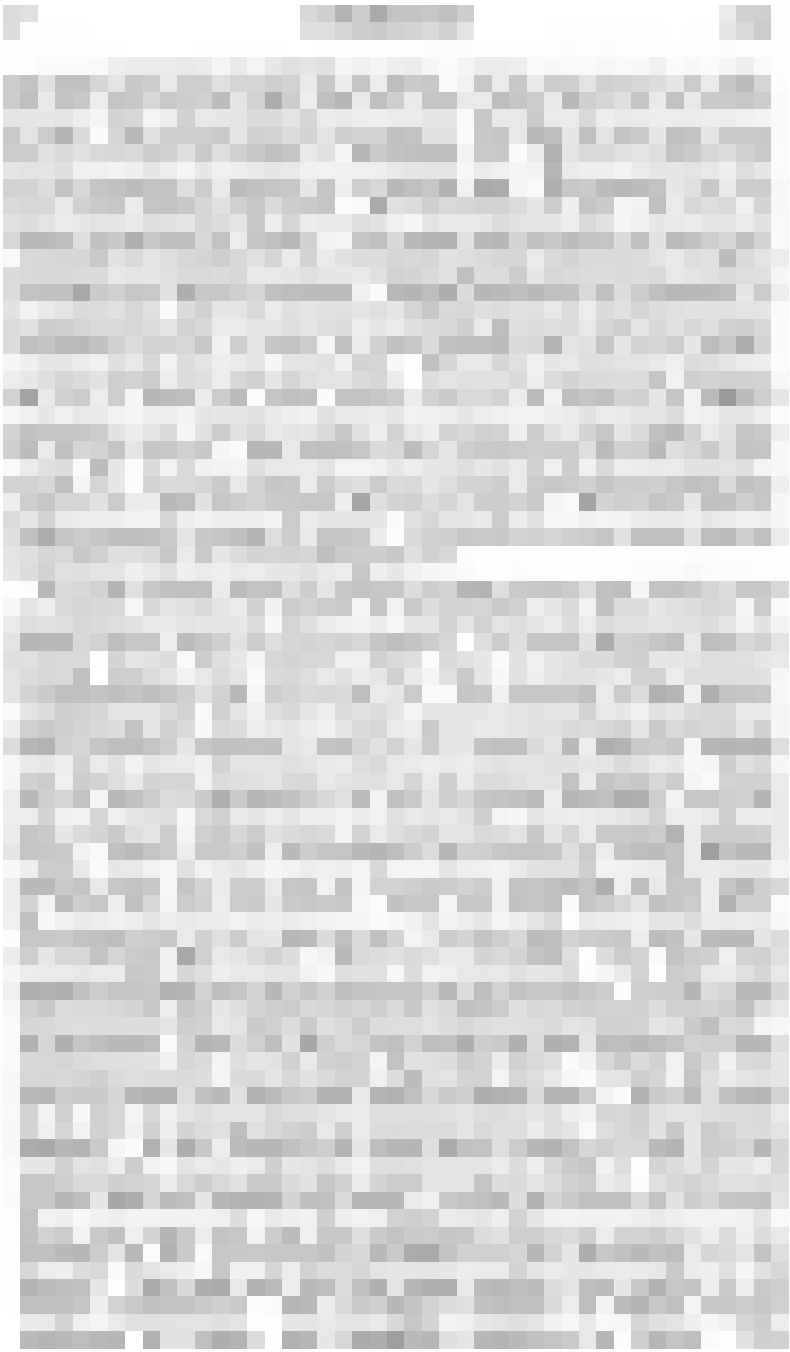


and says that there should be no pain. In his own way he is right. He does not feel the pain, and it is not a thing that can be shown to him. He neither feels it nor sees it. For him it does not exist. But is it so for the Indian ? Decidedly not. Mr. R. C. Dutt took up the question a quarter of a century ago. He argued it to the best of his ability and failed. He was bound to fail. So were all others, including Mr. Digby. The reason was obvious, viz. that they admitted the correctness, or at least the partial correctness, of official premises and official statistics. Official statistics are prepared on a special plan, and it is as easy for official figures to lead to accurate conclusions as for a camel to pass through the eye of a needle. A very simple test can prove this. When the controversy between Mr. R. C. Dutt and Lord Curzon was at its highest, no official apologists ever dared to place the income per head higher than Rs. 37 per annum. The critics of the government placed it as low as Rs. 27. In those days the cost of merely feeding an under-trial prisoner in a jail was roughly Rs. 45 per annum. How then did the Indian peasant manage to exist ? Evidently he must have starved and taken only one meal instead of two.

It is not certain what the official average income per head is just at present, but by no stretch of imagination can that income be placed higher than Rs. 54 per annum. In these days the cost of feeding (apart from clothes, shoes, &c.) an under-trial prisoner is approximately Rs. 66 to Rs. 70. The majority of the people, considering that the richer classes spend tremendous amounts on their personal comforts, must in the matter of food be leading very much worse lives than is led by an under-trial prisoner. There can be many explanations for this apparent absurdity, but the fact is that the Indians have no rival in the art of existing without living. Clive's sepoys immortalized themselves by letting British soldiers have the rice and by themselves subsisting on the water in which the rice was boiled. That was truly very cheap fame. The sepoys did it for a day or two. Indian ryots have now done it for well-nigh fifty years. They have not *lived*; they have only *existed*, and that, too, not for themselves but *for others*. As Mr. Curtis truly remarks, the congested hamlets of India are strangely suggestive of ant-heaps. But even Mr. Curtis calls upon the dwellers of those ant-heaps to give up the little that they have. 'From him who hath but little even that little shall be taken away.' By all means do it, but do not say that he must not even cry. Take a concrete instance. In the Punjab the total land revenue in 1911–12 was nearly half a crore more than what it was in 1906–7. Nearly half a crore has been added since then : *a crore per annum in a decade*. How, one may ask, has this additional crore per annum in the pockets of the government fructified to the advantage of the people ? One may ask, but like many another vain request it will remain unanswered. The ant-heaps continue as before, disease continues as before, and mortality continues as before. The



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complaint of India is not that she is taxed heartlessly, but that her revenues are wasted in a most prodigal spirit. Give India the power to spend her money herself and she will willingly submit to very much heavier taxation, because in that case the money will fructify. At present it does not fructify either in the pockets of the people or in the pockets of the Government, and the best plan is to leave it in the pockets of the people. It may be an old-fashioned thing to say, but every cent taken away from the people needlessly is a crime. Henry George would have been the first to say so. All his system was based on the supposition that it would be applied in countries having a government of the people, by the people, and for the people. It never could occur to him to let a handful of outsiders do both the collecting and the spending for an entire continent without their approval, nay, even without their knowledge. This is the crux of the situation. People express it differently. Mr. R. C. Dutt tried to fight against periodic revisions of assessment, and the only assurance he got was that the enhancements would not be too sudden, the assurance that India would not be bled to death but only bled white. Mr. Dutt's mistake was that instead of fighting expenditure he fought income, and he overlooked one important fact just as the average assessing officer does. Just as Mr. Curtis has done. That fact is that prices must never be applied to the gross produce but only to the surplus, the surplus left after allowance has been made for all crops consumed for purposes of human and cattle food and for seed. Thus in the case of Konatalapalli it has been assumed that the 400 acres of cotton gave a crop worth Rs. 16,000, but one may defy anybody to prove from any reliable accounts that as a matter of fact cotton did bring to the village a sum anywhere near Rs. 16,000 in the year in which the area under cotton was 400 acres. Cotton is used by villagers often in place of actual cash. It is bartered for seed, it is bartered for salt and sugar, and it is bartered for numerous other things at absurdly low rates. It must also be pointed out that Mr. Curtis has not made any deduction for the price of seed in arriving at the gross value of the annual produce. But I proceed to discuss below at length the specific case of village Konatalapalli. So much has been made of the statistics of this village that if the figures remain unexplained the Indian case may be judged *ex parte*.

Torre San Patrizio *versus* Konatalapalli

The first omission that should meet the eye of even an inexperienced revenue officer is that the amount of the floating debt of the village Konatalapalli has not been mentioned nor the amount annually paid in interest. Why this serious omission? Mr. Galetti did give some figures relating to expenditure in the case of the Italian village, why not in the case of the Indian village? Again, even while it is admitted that the people eat their maize, the gross

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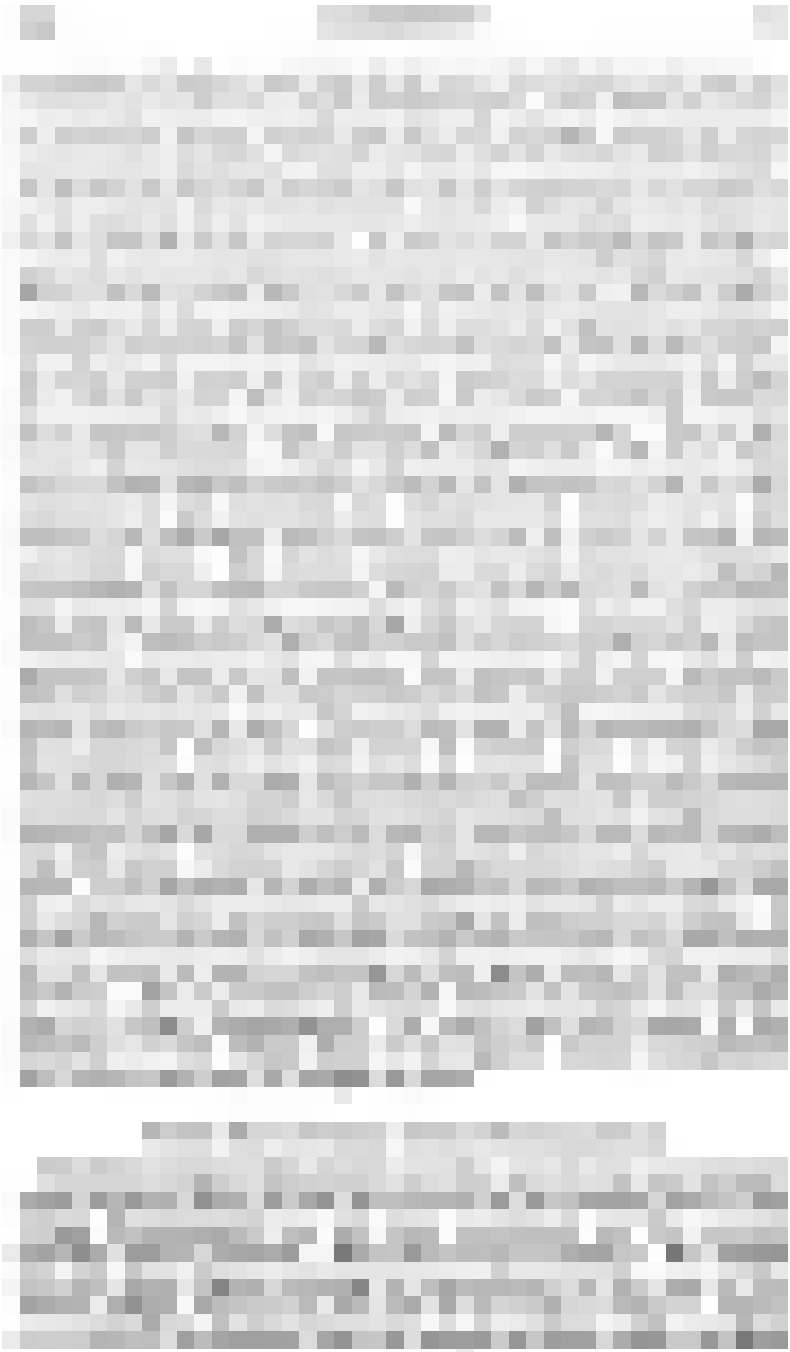

value of maize is estimated to be Rs. 30,000. What is the use of such calculations? A seer of grain remains a seer of grain whether you value it at one anna or at one rupee. The writer recently had to estimate the value of the total output of straw in a certain village in the Punjab. The value at the present famine rates came to Rs. 30,000, and yet for those Rs. 30,000 the village had nothing to show except lean cattle. This is the great fallacy—the fallacy of applying money values to things that should not be expressed in terms of hard cash. A good strong bullock is bound to consume 30 seers of green fodder every day, and it is immaterial to the bullock whether the official calculation makes the village responsible for a total output of several thousands of rupees in the shape of fodder.

Again, Mr. Galetti has not given any figures relating to sales and mortgages during the last twenty years in Konatalapalli. That is the first thing at which a settlement officer does and should look. Had the figures relating to indebtedness and transfers been available, and had we known the number of cattle to be fed, we could have at once explained as to why it is easier for the Italian village to pay such apparently high taxation than for the Indian village to pay this low taxation. In reality the high taxation in the Italian village is only nominal, because the money is spent by the people on themselves and by themselves. The Italian village paves its roads, lights them, maintains a doctor and a school, which are all luxuries from the point of view of the Indian peasant. To him it is much more important that his wife should be buried decently than that he should have his streets lighted and his child medically treated free of cost. It may be sheer ignorance and perversity on the part of the Indian peasant, but this is his view, and the government has so far stood in the way of the peasant being able to change his view. The government has denied him compulsory education, and what is worse (I am adopting Mr. Curtis's words), the government never thought of fitting the people for the rapidly changing conditions of life.

I now pass on to consider some of the statistics. It is our daily experience that it is easier for a man with an income of Rs. 2,000 per annum to spare 50 per cent. of his income for public purposes than for a man with an income of Rs. 50 per annum to spare 1 per cent. for similar objects. People on the verge of starvation must be judged by an absolutely different standard from what would be applied to people in comfortable circumstances. Let us now consider the statistics of Konatalapalli.

Area	2,500 acres
Population	1,300 souls
Gross income	Rs. 70,000
Gross income per head	Rs. 55 per annum
Net income per head after paying taxation .	Rs. 17

As the total population contains children, whose consumption of food is less than that of adults, we will consider the case of a family of

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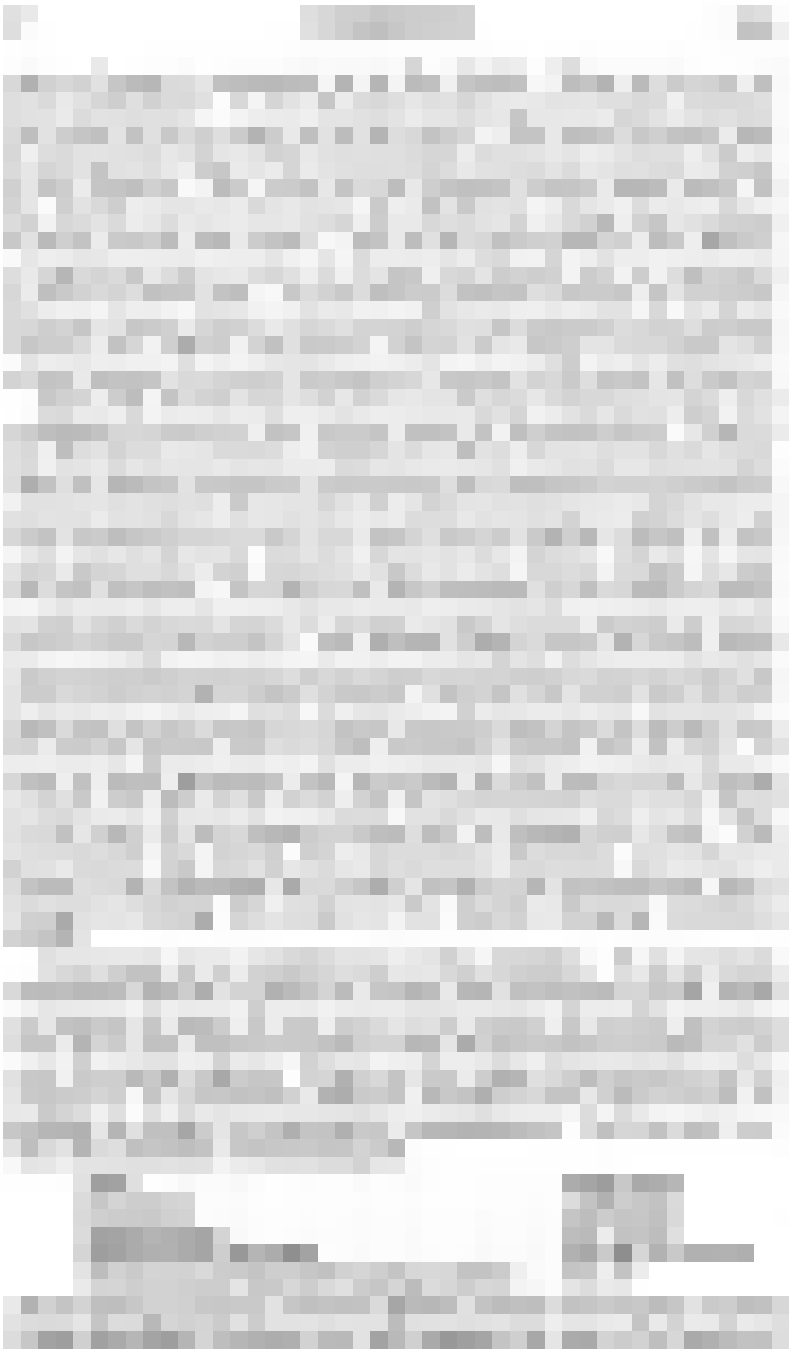

four—husband, wife, and two children, or one old man and one child. The total gross income for these four would be Rs. 220 per annum. As the gross income has been arrived at after including the sale of all cotton and all grain, let us make an estimate of their cost of living. The family must be supposed to have one plough, cattle, and one cow.

		Annual value.
Food for family . .	2 seers of grain per diem or 18 mds. per annum	Rs. 50
Ghi	Nil	Nil
Salt, sugar, condiments, wood	Rs. 1 per mensum	Rs. 12
Clothes	Rs. 30 per annum	Rs. 30
Shoes (allowing none for children)	Rs. 6 per annum	Rs. 6
Food for two head of cattle (without cost of green fodder)	Rs. 10 per mensum	Rs. 120
Pulses, vegetables, and oil for lighting and food	Rs. 1 per mensum	Rs. 12
Medicine and religion . .	Rs. 1 per mensum	Rs. 12
House repairs and renewal of agricultural implements	Nil	Nil
Taxation at Rs. 2/8 per head	Rs. 10 per annum	Rs. 10
Seed for 8 acres . . .	Rs. 12	Rs. 12
		Rs. 264

According to this ridiculously low estimate the family cannot live on its income. It must be cutting out some item or other. It must be going without shoes and without clothes, because seed and cattle cannot be cut out, nor can the allowance of 2 seers of grain be reduced further, as no allowance has been made for guests or beggars nor any for litigation nor for liquor nor any for capital with which to buy bullocks in case of an epidemic. Nor has any allowance been made for interest to be paid to the *sahukar*. This is the real situation leading to chronic indebtedness. Mr. Galetti has not referred to the settlement officer's note about the village. Had he referred to that and reproduced the relevant portions the public would have been in a better position to judge of the condition of the village. Ten to one the settlement officer must have noted that the village could not pay a higher revenue, although according to the prescribed standards the assessment is lenient. Now the question is what would the Indian peasant prefer to cut out of his budget on the debit side ? Would it be shoes or the revenue ? Would it be a shirt or the revenue ? Certainly neither the shoes nor the shirt. But he is so situated that he has no choice. There is, however, still another way of looking at the question, following strictly Mr. Galetti's figures and conclusions. Mr. Galetti says that the net income per head of population after paying taxes is in Konatalapalli Rs. 17

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and in Torre San Patrizio Rs. 22, or if we include the revenue the net income is Rs. 19/3/7 in the Indian village and Rs. 30/12/4 in the Italian village. Mr. Galetti's argument is that the Italian pays Rs. 8/12/4 out of Rs. 30/12/4, whereas the Indian pays only Rs. 2/3/7 out of Rs. 19/3/7. He concludes that the Indian is very lightly taxed. This argument shows, as nothing else could, the absurdity of Mr. Galetti's position. The Indian point of view is simply this, that no individual, whether in India or anywhere else in the world, should be taxed a penny if his net income is less than Rs. 20 per annum, because a person with a net income of Rs. 20 per annum is an object of charity, and not an object of taxation. The Italian could still afford to pay another Rs. 2 per annum, and yet not be so badly off as is the Indian. Can Mr. Galetti or any other statistician show anywhere in Europe a net income of Rs. 19/3/7 per head of the agricultural population out of which Rs. 2/3/7 have still to be paid as taxes? It must not be forgotten that it is out of this net income of Rs. 17 per annum that the Indian has to clothe himself, to pay the interest on his debts, and to meet the thousand and one calls on his purse. It is for spending this glorious sum of Rs. 1/7 per mensum that the Indian is being called luxurious and wasteful. This is the sum which has failed to fructify in the Indian's pocket, and which it is now considered equitable to withdraw. One need not point out that the Italian has a net income of Rs. 22 per annum after providing for the paving and lighting of his streets and after paying for the doctor and the schoolmaster, whereas the Indian is expected to meet all these charges out of his Rs. 17 per annum. Mr. Galetti has proved the Indian case as no Indian ever did.

IV

An important part of the argument is that the British government has only *inherited* this scheme of land revenue, which is really indigenous to the soil. If (as Mr. Curtis says) the word 'revenue' may be used to denote 'general administration' the Indian point of view is most emphatically this—that the system is not inherited from the Mughals. We would have admitted the inheritance if, like the Mughals, the British government had appointed men like Mr. Gokhale, Sir Subramani Iyer, Sir Pheroze Shah Mehta, and others to such posts as Chancellorship of the Exchequer, Governorship of Canada, and so on. Where are the modern Todar Malls, Jai Singhs, and Man Singhs? Nowhere; and yet, as none knows better than the British, that, too, was a part of the general administration which Akbar introduced. Sir Michael O'Dwyer, in his evidence before the Royal Decentralization Commission, drew pointed attention to the fact that the present-day government officials had unlimited powers to punish, but no powers to reward. He referred specially to grants of land and revenue. It was a part of the Mughal system to reward service generously and to make no distinctions of caste or creed. Why was *that* not inherited?

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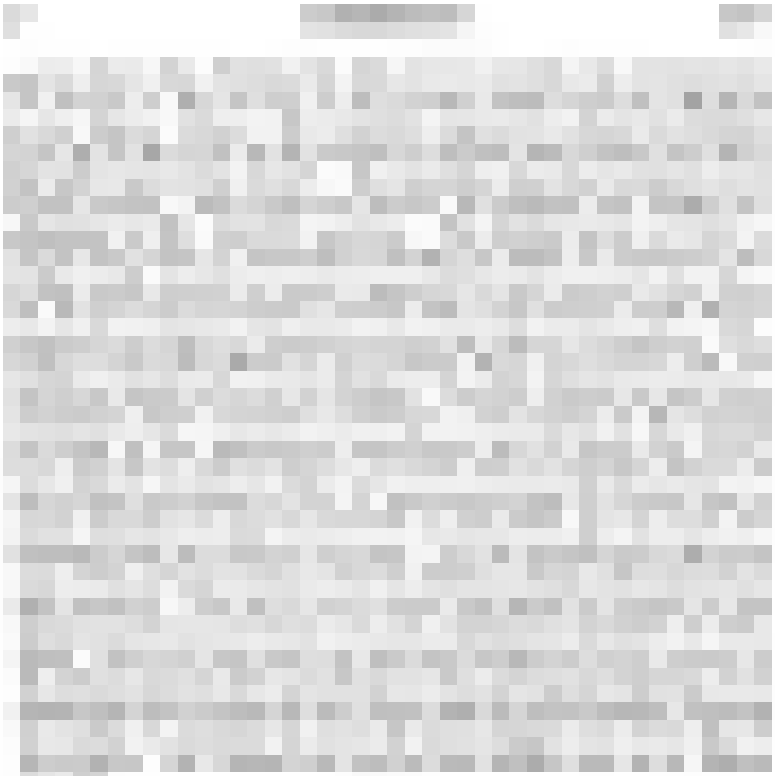

It may be boldly stated that from the point of view of India this partial inheritance is of no use. Would Akbar have levied the countervailing duties on piece-goods manufactured in India? Certainly not. In the face of these facts it is only very remotely true that the present system is the same old system revivified. In reality it is a new system. The government is taking what it can, and in the best way that it can, regardless of precedents and solely on grounds of expediency. The rent theory is advanced because it serves best to answer the critics, but now that the fluctuating system of assessment is coming more and more into vogue who can deny that land revenue is really a tax on tillage. For the essence of the fluctuating system is, *no crops, no revenue*. The very fact that government felt the necessity of having a Land Acquisition Act shows conclusively that land revenue really is a tax. The controversy on this point, however, is really endless and has no practical interest. None knows better than the government that the rent theory cannot be pushed to its logical extreme.

It must not be supposed from the above that the present writer is opposed to any and every increase in taxation. The golden rule is that no government is justified in taking more from the public than what is absolutely necessary, and, further, that the final and only judge of this necessity is not the government but the public. The purse-strings, as in all enlightened countries, must be in the hands of the people. Indians should agitate not against the incidence of the land revenue but against its wasteful consumption on pageants and brick and mortar. That is the one sane attitude to adopt. Let the government, as in the Italian village, give to people loans on 3 per cent. and pay the difference from its pocket. Let the government return a part of the revenue to each village as in Torre for education, and, most of all, let the government think of fitting the people for the changed environments of modern life. It is time that the government did some thinking.

Author's Note on the Foregoing Criticism

The question under discussion is 'How is the produce of land in India apportioned amongst various claimants?'

My Indian critic writes as though two sets of claimants only had to be considered:

(1) The people of India;
(2) The government.

In my treatment of the question I saw three sets of claimants to be considered:

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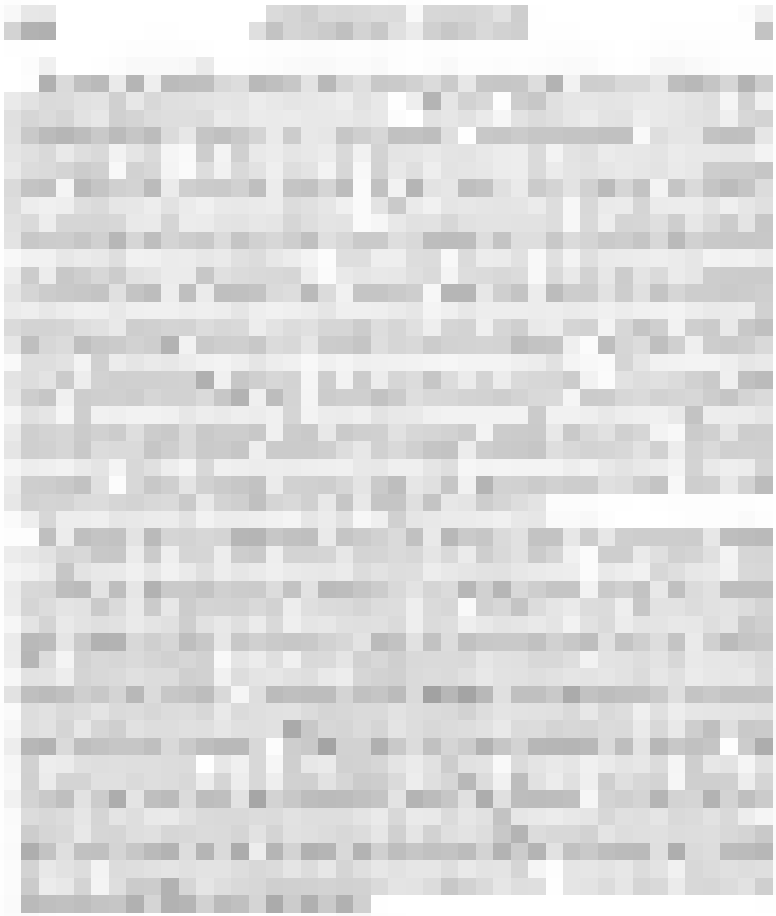
The conclusion at which I arrived in India was that (1) the



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cultivators (the great mass of the people) are living dangerously near the margin of subsistence, so near that an unfavourable season in any one area threatens that area with famine.

I further formed the opinion, for what it was worth, that a drastic diminution in the present cost of government would lead to results which would leave the masses not better but worse off than they now are. Any economies which will tend to invite foreign invasion, or lead to internal disorder, will react by aggravating the poverty of the masses (*vide* the present condition of Central Europe). Measures on the other hand which will really strike at the root of this poverty will involve heavy and increasing expenditure by government.

The defect in our revenue policy, as I see it, has been in its tendency to leave an increasing share of the produce of land in large parts of India to inure to the benefit of a comparatively small class of land-owners. If instead of doing this it had been possible for government to continue to collect the increasing share of revenue remitted to the land-owners, and if government had then spent that share on the education of the people and the development of the country, the position of the masses would, I venture to say, be greatly better than it now is.

I am frankly of opinion that the present situation can only be remedied, in so far as the people of India realize the verities of responsible government. In these papers I have tried to show what to me those verities mean. The people of India will have to raise and spend for themselves much more revenue than is now spent on education and on development. But until education and development yield their economic fruits, that is to say, lead to greater production per head, most of the additional funds required will have to be raised by taxation of the share of land revenue which, under British administration, the zamindars have been allowed to keep for themselves. This, I know, is a hard saying ; but I do not see where else it can come from. The cultivator is living too near the margin of subsistence to produce it. Theoretically, no doubt, he might do so if he reduced his expenditure on ceremonies, jewellery, or lawsuits. But this will not happen for many generations, nor in any case until the education for which additional revenues are required has begun to modify his outlook.

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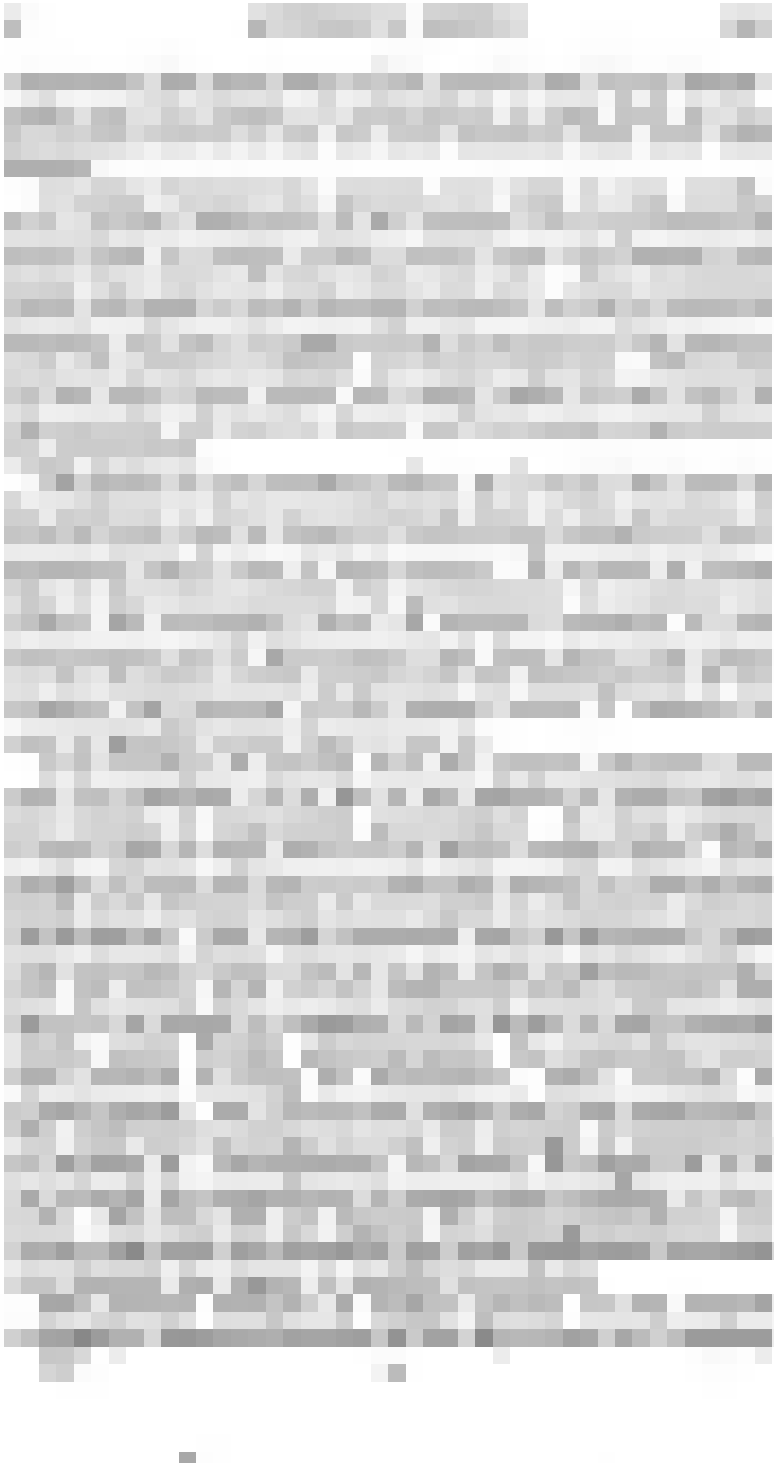

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VI

This study deals with :

A. The financial relations of the provincial government and the district boards.

B. The limits of self-government conceded to the boards.

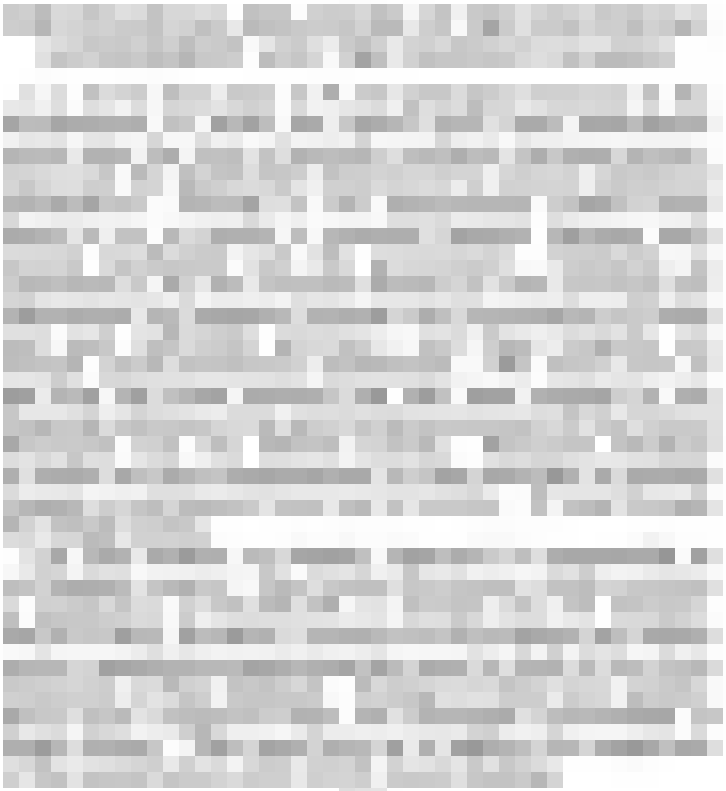
C. Modifications of the proposals outlined in the letter to Mr. Bhupendra Nath Basu (III) as a result of the foregoing analysis and also of certain criticisms received. (*August* 1917.)

A

THE FINANCIAL RELATIONS OF THE PROVINCIAL GOVERNMENT AND THE DISTRICT BOARDS

§ 1. As we have seen in V, the principal revenues of the Government of India are based upon land settlements which take the form of periodic contracts between government and the landholder determined by minute statistical calculations. Except in the permanently settled areas there is, so to speak, a personal bargain between each several landholder and the government. Similarly, as explained in IV, the revenues allotted to each province are determined by bargains between the Government of India and each individual province ; and these bargains are termed quasi-permanent settlements. We have now to see how the same method has also been applied to the financial relations of the provincial government of the United Provinces and the district boards. Financial relations in India are thus characterized by this principle of periodic bargain or settlement from top to bottom. It runs through the whole system.

§ 2. The district, as already observed, is comparable to an English county. The United Provinces, which contains a population of 48,000,000, is divided into 48 districts. Each of them, therefore, contains on the average one million souls, a population approximately equal to that of the whole Dominion of New Zealand. Several of them have populations more numerous than the European inhabitants of South Africa. This may help us to realize the magnitude of the social factors with which we are dealing.



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§ 3. As previously noted the revenues of the boards may be classed under three principal heads :

1. Revenues derived from a number of minor miscellaneous sources—
2. The cess on land—
3. Government grants.

The settlements, which govern the present financial relations of the provincial government with the district boards, were made in 1914. It will, therefore, be necessary to glance briefly at the arrangements which existed before that date.

Previous to the establishment of elective boards in the time of Lord Ripon, local cesses had been imposed on land, part of which were expended on village and road police by the provincial government, the rest being spent on schools, roads, and dispensaries by the district officer with the advice and assistance of a nominated district committee. These latter funds, subject to certain modifications made in 1878 and 1883, were handed over to the elective boards created by Lord Ripon.

By legislation which came into force in 1906 the various cesses were consolidated on the following lines. In the province of Agra boards were empowered to levy a cess on land not permanently settled up to 10 per cent. of the government revenue thereon. On land permanently settled the maximum was 2 annas per acre. The cost of village and road police was deducted by the government and the balance credited to the boards. In the province of Oudh the boards were empowered to levy a rate up to 5 per cent. of the government revenue on land. For the purpose of police, government might levy a further 6 per cent., but not more. The maximum cess is now levied in all districts with the exception of three in Oudh. These rates were payable by the landlords, who, generally speaking, were entitled to recover half of them from the tenants. Out of doles given by the Government of India, grants-in-aid were given to the boards equal to 25 per cent. of the cesses assigned to them.

§ 4. By legislation, which came into force in 1914, the following changes were made—

(1) Throughout the Provinces of Agra and Oudh the maximum on areas not permanently settled, where exceeding 10 per cent., was reduced to 10 per cent.

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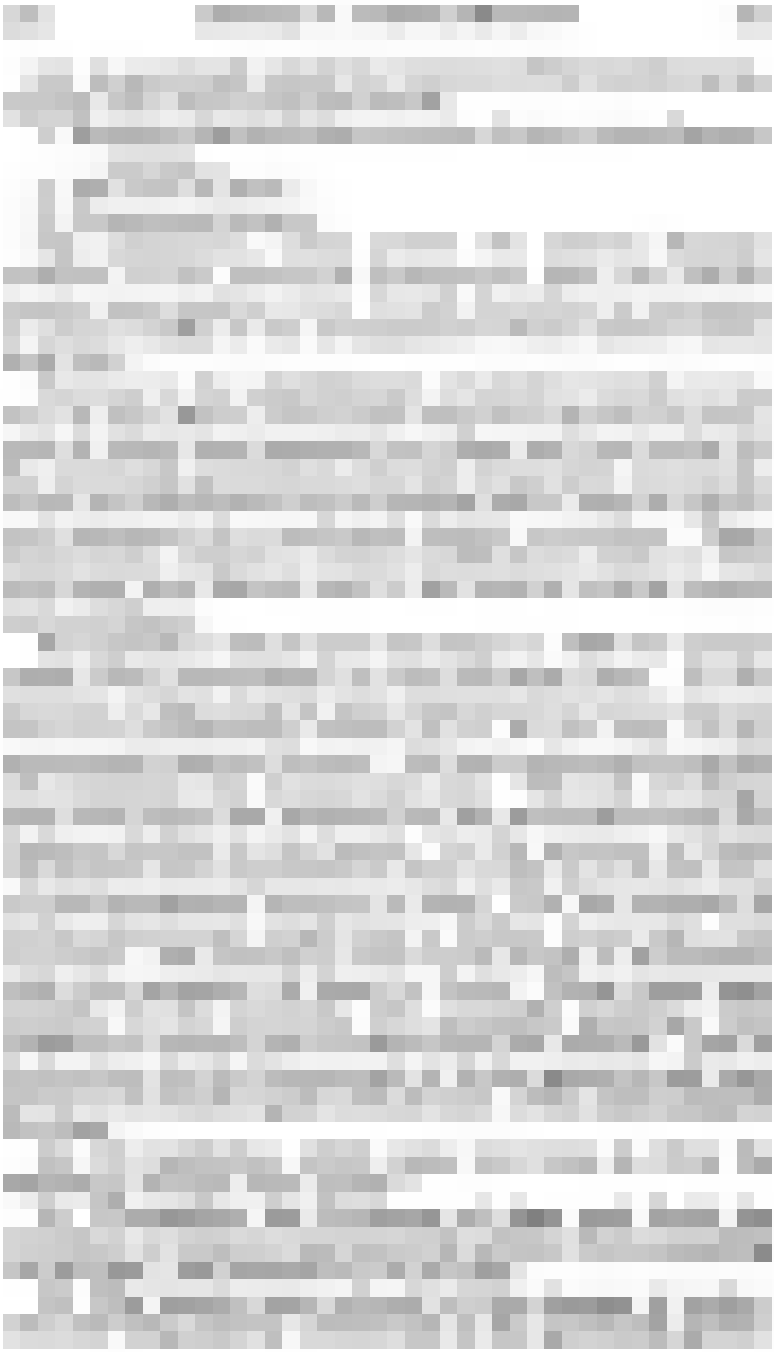

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ment from the Government of India. This meant that the total revenue of the boards from local sources (not including the government grant-in-aid) was increased by Rs. 31,35,760,[1] that being the amount previously deducted for police. The total funds then available for district boards were as follows—

From all local sources . .	Rs.	88,52,819
Grant-in-aid . . .	,,	18,21,499
Total . .	,,	106,74,318

§ 5. In view of this altered situation, government determined to redistribute this grant-in-aid of Rs. 18,21,499 in proportion to the needs of the various boards. The relative poverty or wealth of each district was to be gauged, and the government grant was to be distributed as an equalizing factor. With this end in view, new settlements were framed, which took the form of a contract with each board for a term of five years.

The settlements between the Government of India and those of the provinces have always been based upon previous expenditure by each of the provinces. The principal data used were, in fact, those contained in previous provincial budgets. Apart from these budgets little or no attempt was made to examine the actual needs of each province. These settlements must, therefore, permanently favour any provinces which were comparatively lavish in their expenditure before the settlements were made.

In framing the new district settlements of the United Provinces the government of these provinces relied on the figures shown in the estimates of the various boards only so far as minor items were concerned, such as the provision for pounds, demonstration farms, arboriculture, bulls, and stallions. No other data were used in attempting to arrive at a standard of expenditure which each board ought to incur under these heads.

With regard to the main items of expenditure, however, such an attempt was made. These items were as follows :

Medical relief.
Rural sanitation.
Vaccination.
Veterinary service.

[1] The Financial Secretary notes : ' The police charges were 32,31,000. By certain resumptions and adjustments of the grant-in-aid the net gain was reduced to 31,35,760.'

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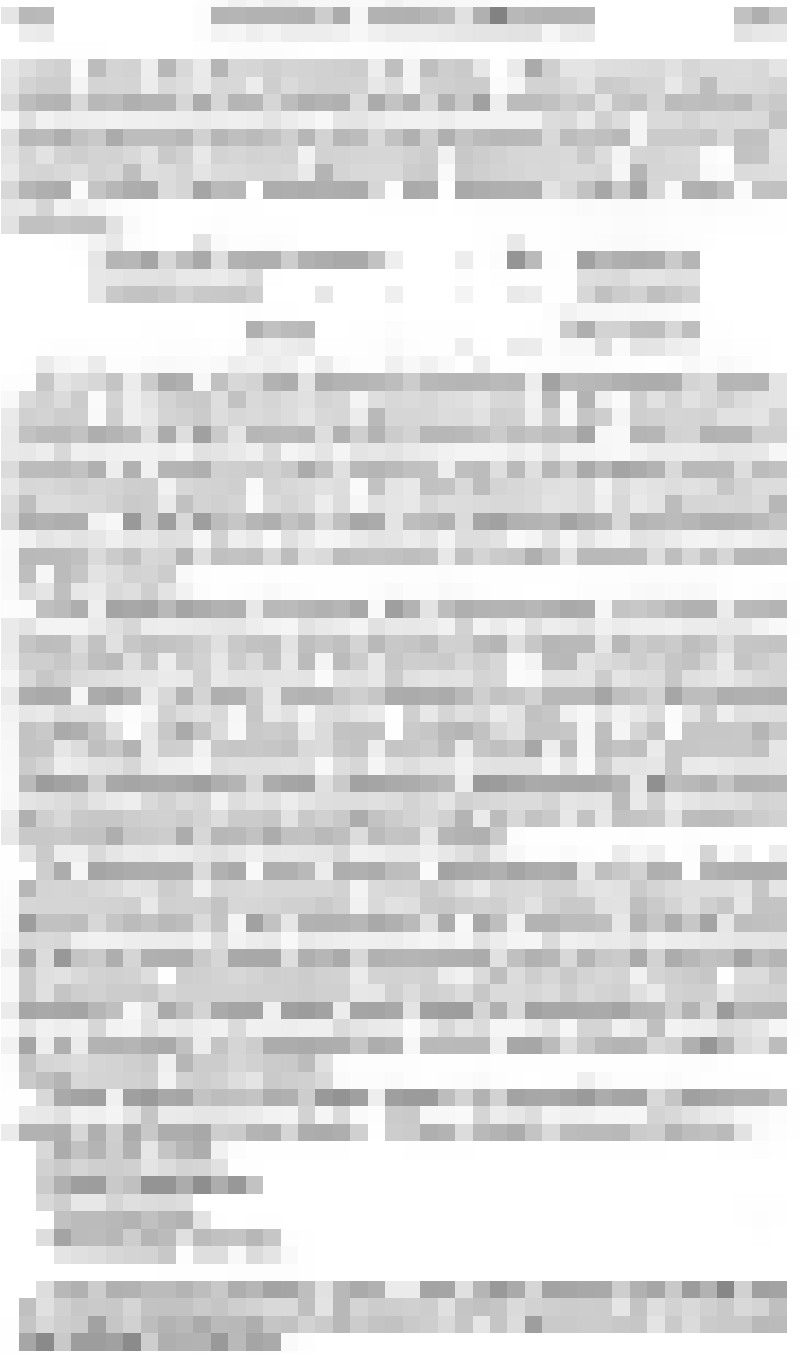

General administration, i.e. the cost of the Secretary and central office staff.
Public works department administration.
Unmetalled (kachcha) roads.
Metalled (pakka) roads.
Education.
The margin of annual expenditure available for buildings and other permanent works.

§ 6. Of these items three may be selected for the purpose of illustrating the various ways in which government endeavoured to arrive at a standard of the expenditure, which, taking into consideration the funds available, each board ought to incur for the service in question. The three specimens to be taken are medical relief, vaccination, and unmetalled roads.

With regard to medical relief, government after examining a mass of intricate data arrived at the conclusion that, a board ought to expend Rs. 19,000 on every 800,000 persons.

In the case of vaccination, government arrived at the conclusion that one vaccinator was required for every 65,000 to 75,000 persons, according to the density of population. Each vaccinator with the necessary lymph was estimated to cost Rs. 220. For the whole district a superintending officer at a salary of Rs. 450 was required. From these figures the standardized amount required for the proper vaccination of each district was worked out.

In the case of unmetalled roads, government ascertained the mileage of the roads of this class in each district. The cost of upkeep was estimated at Rs. 75 a mile. The multiplication of these two figures gave the standard of expenditure suggested for each district.

§ 7. Thus for the ten principal services government arrived at a standard of expenditure appropriate to each district. For the remaining heads the previous estimates of the boards were taken. In this way ideal estimates were constructed for each of the 48 boards. Government then looked to see how far this expenditure could be met by each board from revenues already assigned to it; that is to say, from the miscellaneous heads, and from the land cesses relieved of the charges for village police. They noted the deficit on the ideal estimates of each board, which would have to be met from the government grant of Rs. 18,21,499. This sum was distributed amongst the boards in such manner as to enable each of them to meet the deficit shown on the

General administration, i.e. the cost of the Secretary and central office staff.
Public works department administration.
Unmetalled (kachcha) roads.
Metalled (pakka) roads.
Education.
The margin of annual expenditure available for buildings and other permanent works.

§ 6. Of these items three may be selected for the purpose of illustrating the various ways in which government endeavoured to arrive at a standard of the expenditure, which, taking into consideration the funds available, each board ought to incur for the service in question. The three specimens to be taken are medical relief, vaccination, and unmetalled roads.

With regard to medical relief, government after examining a mass of intricate data arrived at the conclusion that, a board ought to expend Rs. 19,000 on every 800,000 persons.

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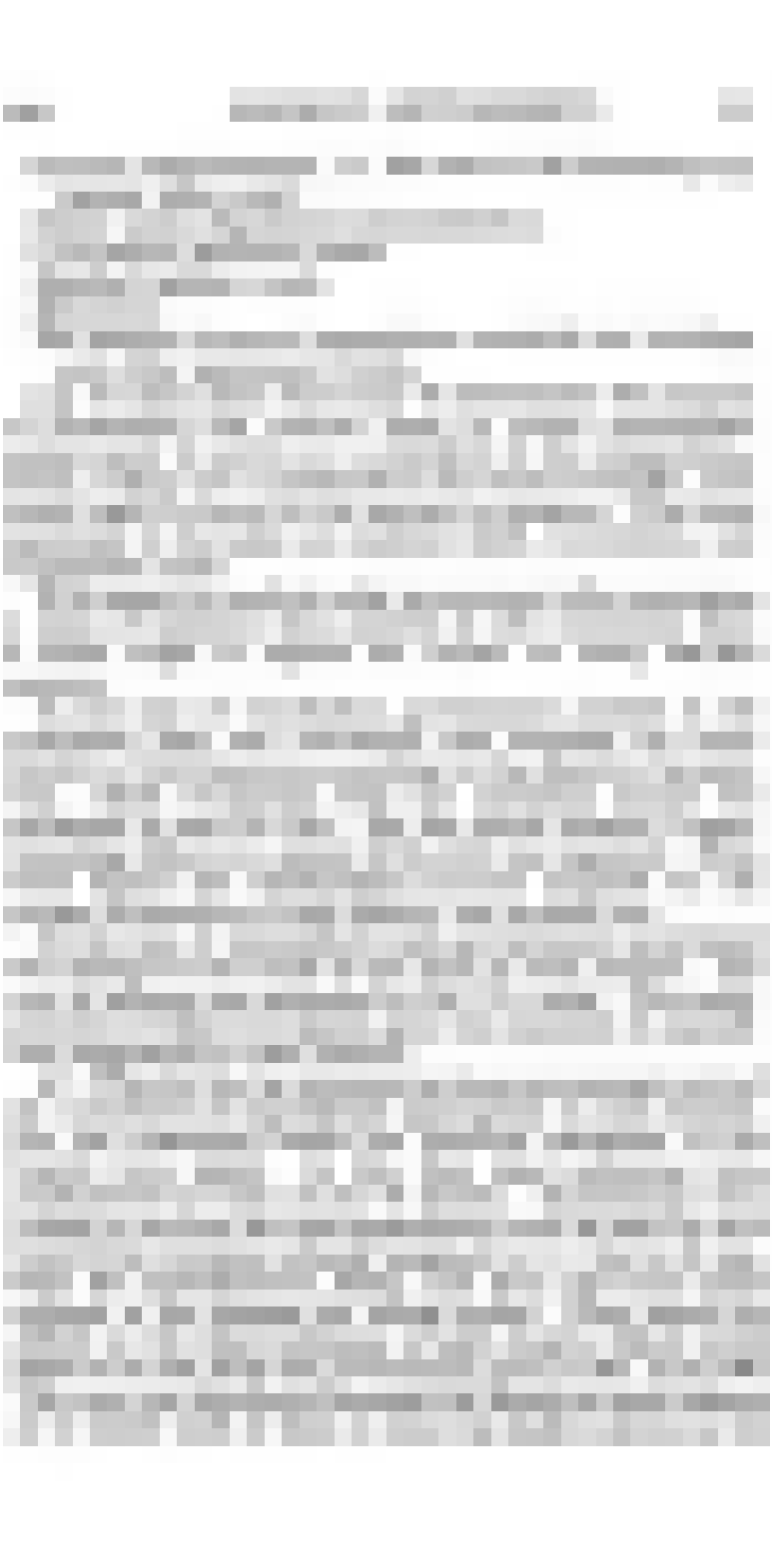

ideal estimates.[1] The government grant was, in fact, used as an equalizing factor.

§ 8. The term 'ideal' estimates has been used advisedly. It is only in the case of education and of metalled roads that the total standard expenditure must be made by the boards. Otherwise the boards are not tied down to the distribution of their funds between various services as shown on these estimates. With these two exceptions the ideal estimates are merely used as the statistical basis for distributing the government grant. On the other hand the annual estimates of each board must be approved by the commissioner, who can if he chooses, or if government desires, direct that the distribution of funds be revised so as to approximate more nearly to the standards shown in the schedules to the contract.

As in the case of the land and provincial settlements, this scheme was presented to each board in the form of a proposal for their acceptance. The proposals were accepted, and are thus referred to as 'contracts' between the provincial government and the district boards.

§ 9. It remains to be noted that boards can borrow from government, but not in the open market. Their funds, moreover, are subject to government audit.

§ 10. With one exception, to be noted presently, the jurisdiction of the district board is confined to rural areas. In towns the same functions, and some others besides, are undertaken by municipal boards. The financial settlements, above described, however, apply to district boards only. To the municipal boards certain grants are given in aid of education, but their financial relations with government are not determined by any general arrangement resembling the contracts with the district boards. It is believed, however, by the Administration that the grants given to the municipal boards do in practice secure a fair distribution of government funds between the urban and rural population.

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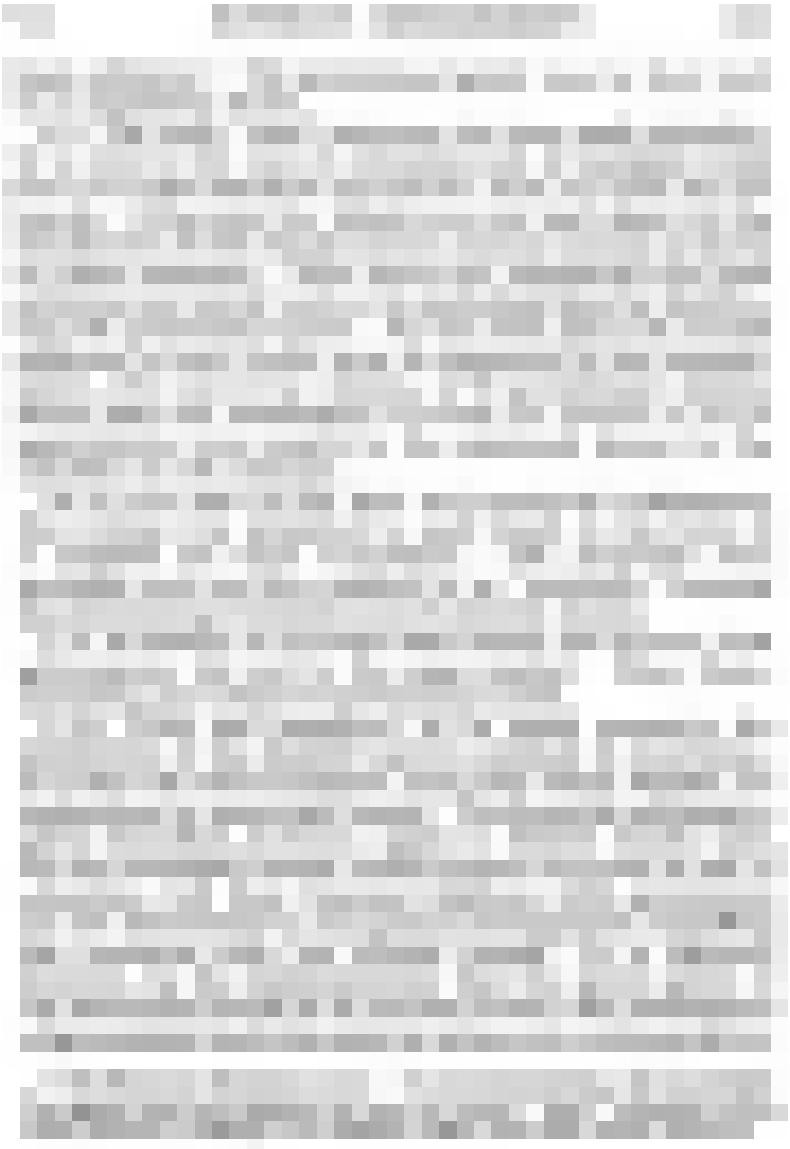

B

THE LIMITS OF SELF-GOVERNMENT CONCEDED TO THE BOARDS

§ 11. The task of tracing the exact line which divides the functions assigned to boards from those reserved to government must now be attempted. Of these functions the most important is the administration of vernacular schools; and in order to show what minor powers are conceded to the boards and what kind of major powers it is that government has reserved to itself, it will be necessary to describe the system in some detail.

§ 12. In dealing with vernacular education the word *board*, when used alone, must be taken to include municipal boards, for 'their duties and functions are precisely parallel, *mutatis mutandis*, to those of district boards'.[1] As a matter of fact, it is only in the larger towns that the municipal boards administer the vernacular schools. In smaller towns the municipal board hands over the administration of those schools to the district board together with a corresponding share of its revenues.

§ 13. In the year 1910 the backward state of primary education in the United Provinces was pressed on the notice of the provincial government by the report of the educational department and also by a resolution moved in the legislative council. Exhaustive inquiries were set on foot, the outcome of which was the appointment of a committee of officials and non-officials to consider and advise upon the curriculum for rural schools. A difference of opinion upon the language to be employed in the new readers resulted in a deadlock and the committee was unable to complete its labours. Meanwhile the educational department continued to press upon government its view that want of funds was largely responsible for the evil in question.

§ 14. A fresh impetus, however, was given to the movement by the debates in the Governor-General's Legislative Council on Mr. Gokhale's bill for providing compulsory education. The Government of India intervened with a declaration that the breaking down of illiteracy in India was henceforth to be the goal of educational policy.[2] On February 21, 1913, the Government of India issued a resolution covering the

[1] p. 34, No. 1611 / XV—of 1909.

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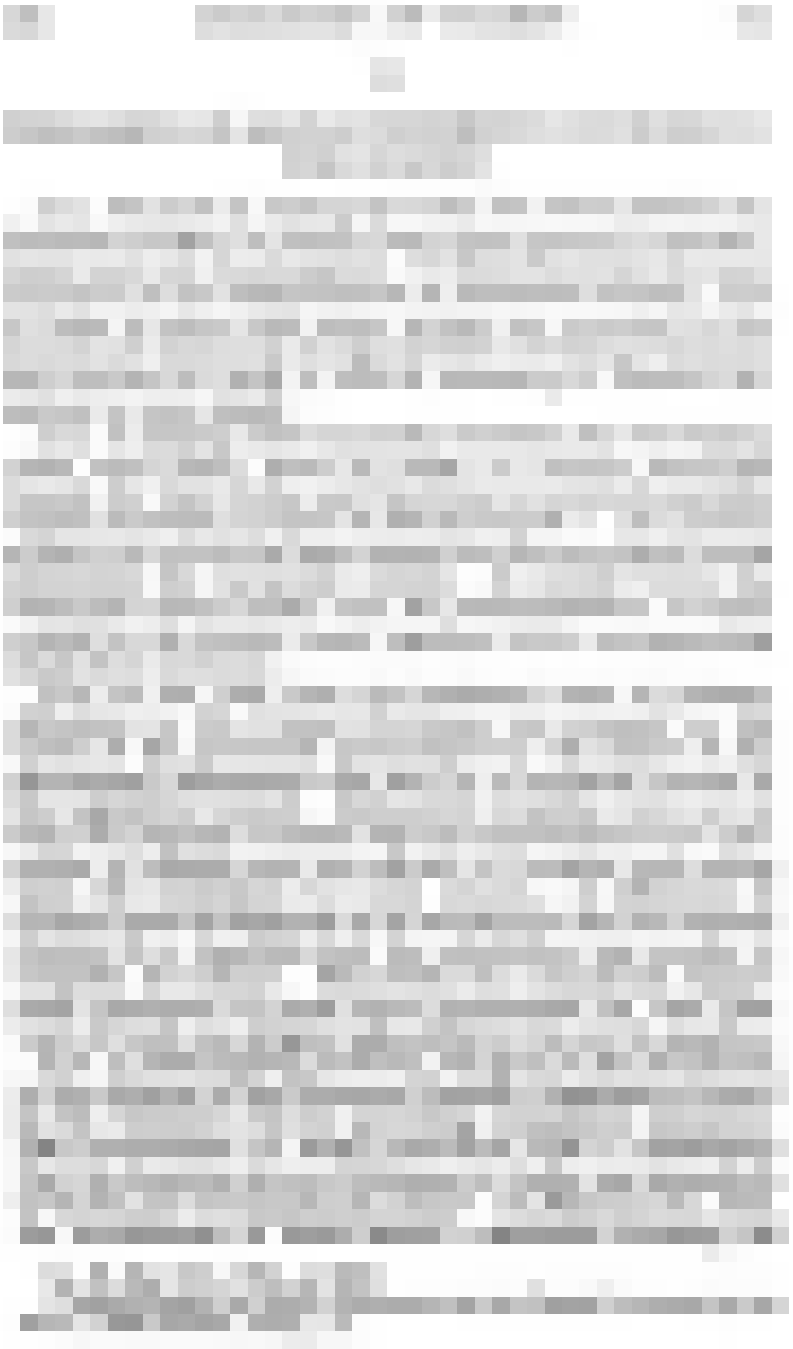

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With all this varied material before him the Lieutenant-Governor sat down and recorded his decision upon the points at issue in a resolution dated August 25, 1914. The Educational Department then interpreted these decisions in a series of circulars issued to the boards whose duty it was to give effect to them.

§ 15. These crucial decisions, be it noted, were made by an administrative officer, and were not embodied in any statute submitted to the legislature. In the United Provinces there are Acts dealing with the University; but so far as primary and secondary education are concerned, there is nothing in the shape of an education Act. Decisions of policy are made by the Lieutenant-Governor, are expressed in a 'resolution', and are interpreted into orders and regulations framed by the educational department for the guidance of the authorities concerned. The system described in the following notes is the result of this process, and the description will aim at showing the limits within which the duty of arriving at minor decisions is delegated to the boards.

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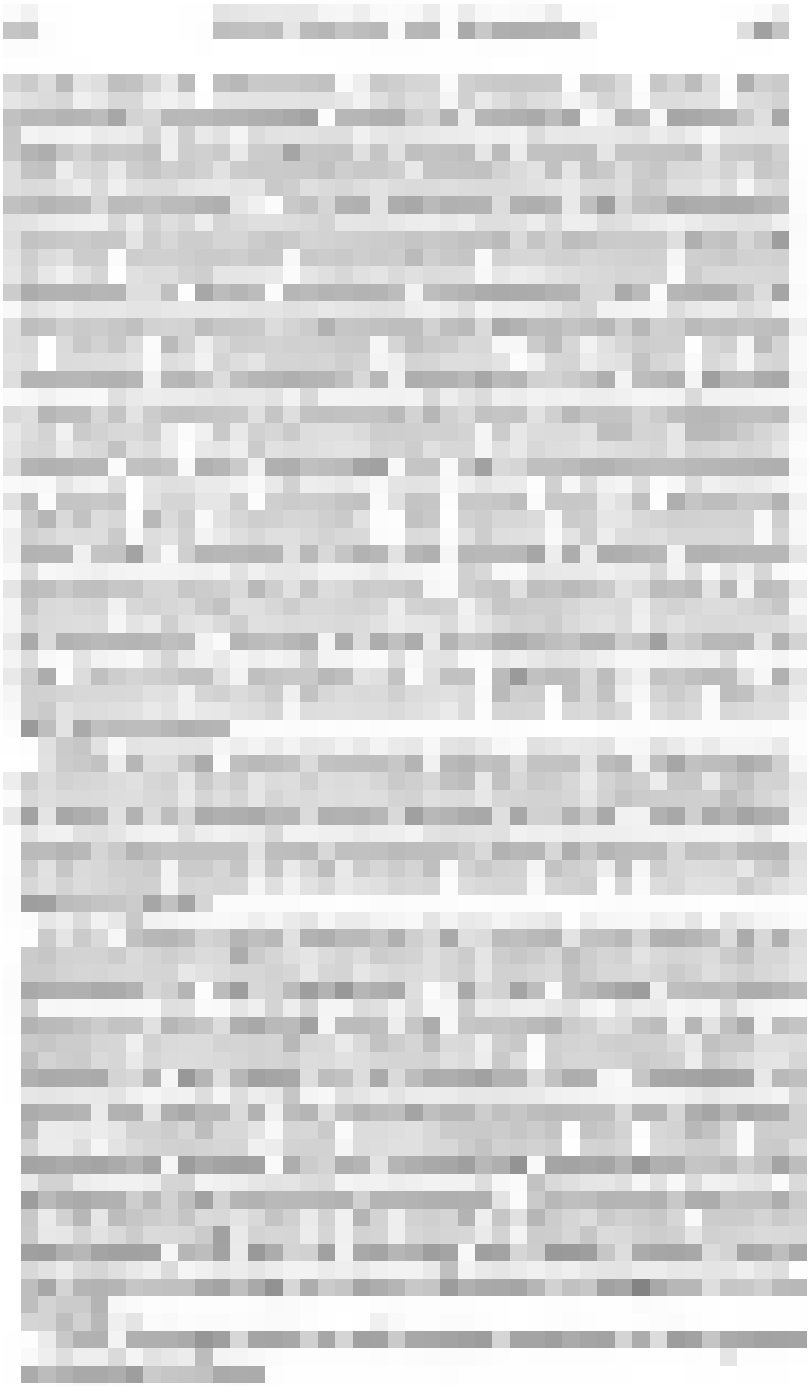

When the Lieutenant-Governor issued this resolution the average daily attendance of boys at school was under 400,000. The practical aim presented to the boards for attainment in the near future was to raise this daily average to between 700,000 and 800,000.[1] When it is recalled that the present population of these provinces is 48,000,000, greater than that of the British Isles, the formidable problem of illiteracy which has to be faced will begin to be realized. But this is not the worst. Of those who do attend the primary schools no more than 10 per cent. leave at the age of twelve able to read a simple vernacular newspaper. Between 80 and 90 per cent. leave school at an earlier age and carry away nothing of lasting value. It is said that a large percentage of parents value the schools mainly as a creche which relieves them for several hours of the working day from the trouble of looking after their children.

Primary vernacular schools are attended by children from the age of five to the age of twelve. Most of these schools are provided by the board and may be described as board-schools. But grants-in-aid may be given to private schools, which are proved on inspection to conform to the standard laid down for the board-schools. These latter may be described as aided schools.

§ 17. For every board-school a local committee is supposed to be appointed by the collector or his sub-divisional officer. Committees are intended to stimulate interest amongst parents in primary education. Their functions are scarcely more than advisory; but in some districts, such as Allahabad, an attempt has recently been made to vest them with some executive functions. Aided schools are administered by a manager or managing committee. In general, it is said that committees evince small interest in their work.

§ 18. The aim of the primary school is that a boy should leave a vernacular primary school 'about the age of 12 able to read and write a letter, to understand simple prose, to make out the writing of a lease and of the patwari's papers, to keep simple accounts, to follow a map, and to work out an easy sum in interest'. Also it is hoped that the boy will know something of the easier passages in the poetic literature of his race.[2] The curriculum intended to produce this result includes reading, writing, arithmetic up to vulgar fractions, practice and interest, simple Indian accounts, geography of India in outline, and of the United Provinces

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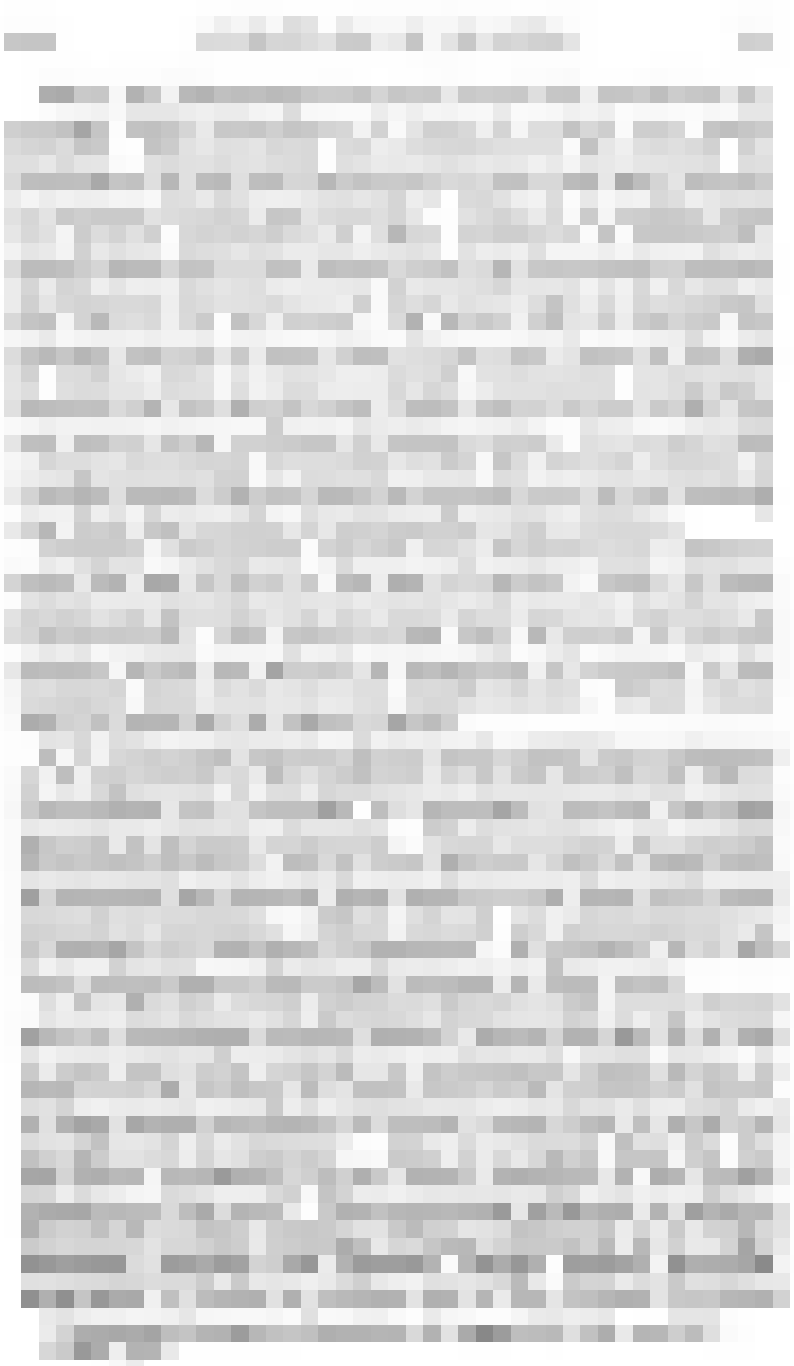

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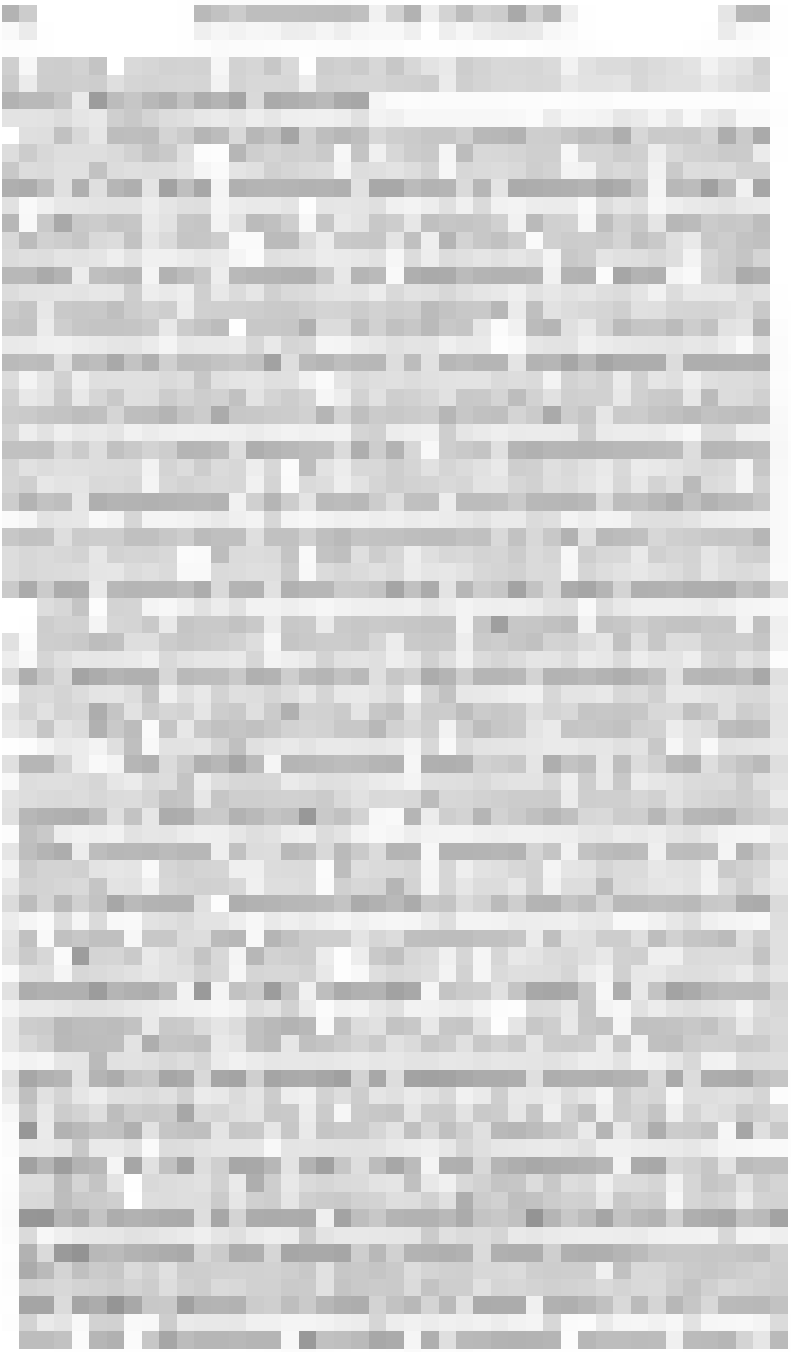
§ 19. Efforts are being made to encourage boards to develop school gardens. Progress in this direction varies greatly. One of the most advanced districts is Allahabad, where it is reported that most of the schools now have gardens attached to them. The seeds of flowers, vegetables, staple crops, and new varieties are distributed for trial. With the exception of preliminary ploughing, all work is done by the teachers and pupils themselves. The cultivation of new varieties has been known to arouse widespread interest in the surrounding area. Several teachers have been given practical instruction at the Agricultural College of Cawnpore and at the Jumna mission farm. Two demonstration farms have been started in the Allahabad district by pupils of these institutions, one under the agricultural department, and the other under the superintendent of the head of Jumna mission farm. Several batches of teachers have been sent during vacations for short courses at this latter institution.

§ 20. The schools are commonly regarded by parents as a possible staircase, whereby some members of the family may emerge from agriculture, or the other subsidiary callings of village life to the dignity and affluence of *naukari* (service) —to what in England would be called 'wearing a black coat'. The Indian cultivator deals so little in cash that even the small salary paid to a government clerk or teacher appears to him magnificent. A rustic father in England is often ambitious to see his son wearing a black coat and drawing a salary, even though he never expects to share in his earnings. Parental affection is nowhere stronger than in India, but this motive is reinforced by the customs of the Hindu joint family. There is no poor law, and the maintenance of every member of a family is effectively recognized as a charge on the rest. All the members of a village family, who live for the most part on what they grow, feel they are gaining an important accretion of wealth if the earnings of one of them are all in the form of cash. If parents send one or more of the children to school, it is usually in the hope that they will presently rise to earn a salary. It is in the nature of a speculation, and, with the native caution of rustics, the majority of the sons are reserved to agriculture—the calling to which their parents are bred. The sons so reserved are seldom sent to school, for experience has taught parents in India, as in other parts of the world, that the curriculum provided in primary schools does, in



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§ 21. The conference of experts who met at Pusa on the 4th and 5th February 1916 resolved 'that we should abandon any attempt to teach agriculture directly in primary schools'. In other words, they decided that it is not possible to give children any valuable knowledge with regard to practical agriculture in primary schools. That may or may not be the case. To impart practical knowledge is only the secondary object of education. The right formation of character is the primary object; and to do that is a question of giving a child the right tastes. Now can any system of education be sound in a country where the calling which a vast majority of the people must follow is agriculture, which produces a positive distaste for the cultivator's life? That primary curricula all over the world have produced and are producing this distaste is scarcely deniable. Parents, at any rate, who follow that calling are aware of it. Curricula are like medical treatments. It is not enough for a physician to show that his treatment has one particular and desirable effect on the patient's development. He must consider the reflex actions. The educational systems of Europe were first designed by clerks or bookmen. Craftsmen had no hand in them; and their development has remained in the hands of clerks and bookmen to the time of Macaulay, and, to an overwhelming extent, to the present age. There is no denying that reading, writing, and arithmetic are necessary keys to knowledge. No child who has not mastered them will become a really efficient agriculturist. But the problem how to teach children to read, write, and cypher, without rendering the prospect of a life spent in tillage unbearable to most of them, remains unsolved. And in India, if educationalists admit the problem at all, they are wont to say that it is insoluble. Yet clearly the wide extension of primary education in a country like India, where a vast proportion of the population must always subsist by agriculture, depends upon the solution. If once a system can be devised of teaching children to read, write, and cypher, accompanied by some other training which will foster instead of extinguishing the taste of a cultivator's child for his hereditary calling, the most formidable obstacle to a general extension of education to all the children of India will have been removed. The key to the problem will largely be found in such training of teachers as will give them not only some knowledge of, but a positive enthusiasm

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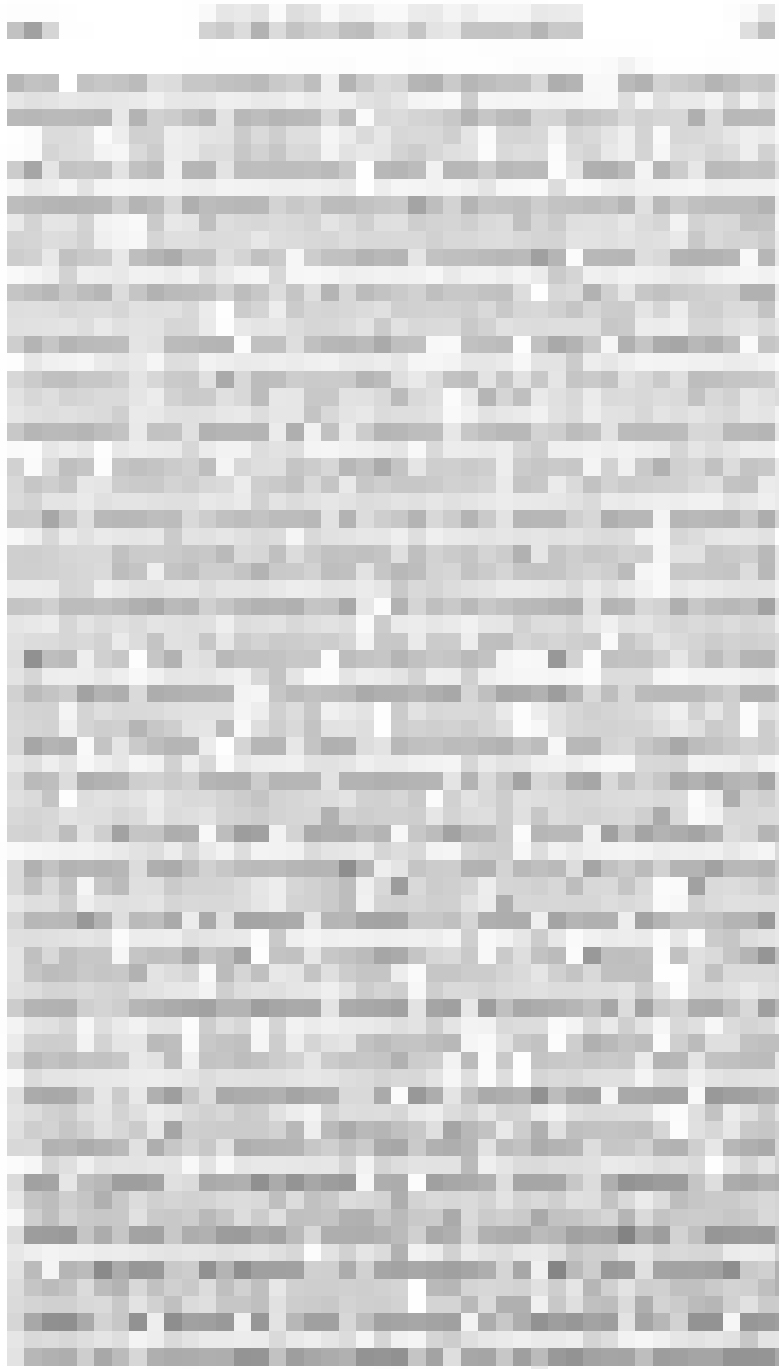
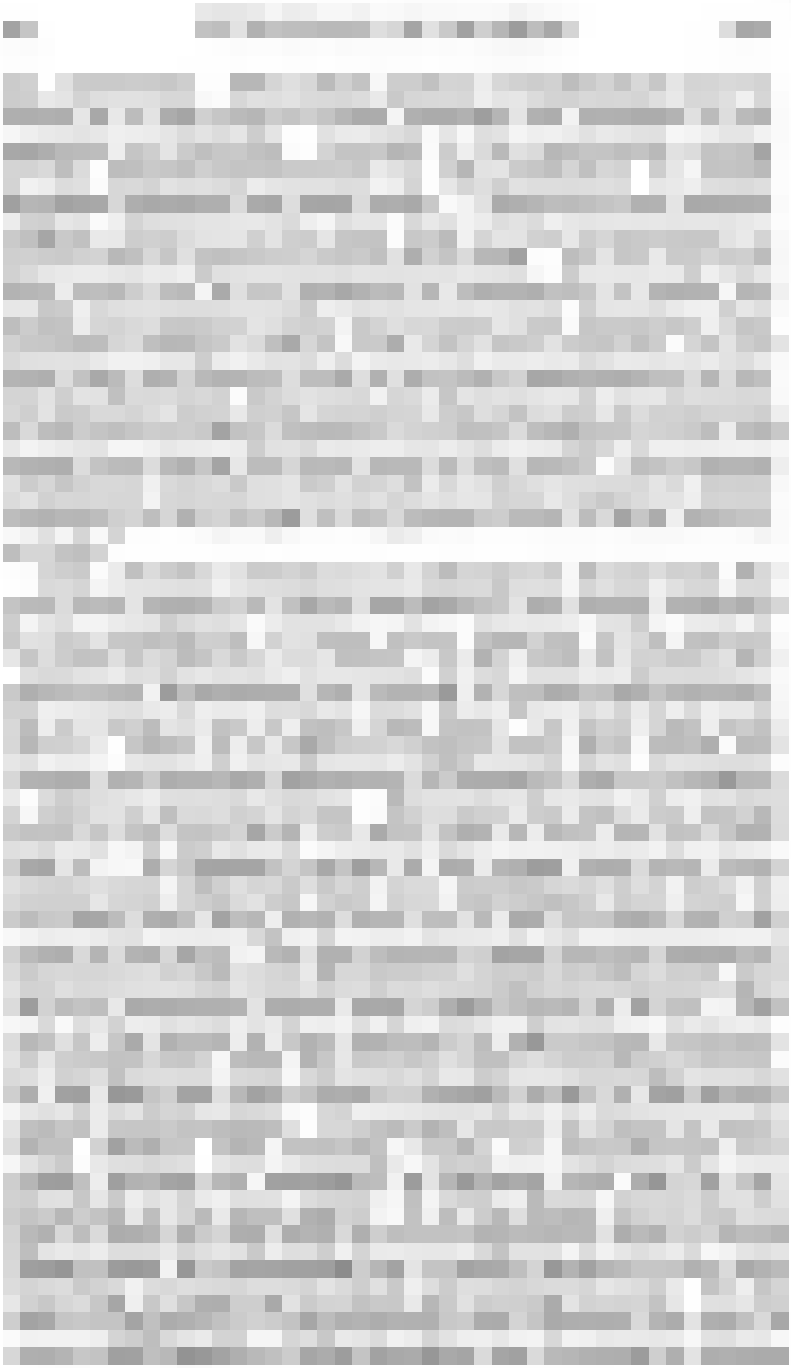


for, cultivation. The school gardens of Allahabad may be taken as a sign that in some quarters the problem is not regarded as insoluble. Another is the memorable saying of the Lieutenant-Governor in the resolution to which frequent reference has been made. 'There are two definite objects, which it is the clear duty of the Government to ensure that its primary schools shall fulfil. On the one hand they must not be so designed as necessarily to make the pupils discontented with, and averse from pursuing, their ancestral callings—which, with the vast majority, are all that they can possibly look to for their maintenance in life. On the other hand, they must give the boys such an education as will have a lasting influence on their intelligence and will equip them better for their work in the world. Any system of primary education which fails in these respects is either treachery to the people or the gravest waste of their money, or both.'

§ 22. Another statement of educational ideals from the pen of an expert, to whose assistance I am deeply indebted in the compilation of these notes, deserves to be quoted. 'I prefer to plod on', he writes, 'in the task of opening the minds and broadening the outlook of young agriculturists. By so doing I can at least help them "to save their souls alive".' Here is an ideal far higher than that which has cursed and sterilized education in England, that of enabling a child to earn his living. But none the less, the saying leaps to the mind that 'he that seeks to save his soul shall lose it'. In England people of the upper class who have several sons often feel they have discharged their duty to the state when they have sent one or two of them into the army or the navy. For the country's sake they are prepared that some of their sons should live comparatively poor, and die at a moment's notice when called upon to do so. The rest of the family is then destined for agriculture, business, or manufacture, with the avowed object of making money. In the first case their object is largely social, in the second mainly individualistic. It scarcely occurs to them to teach their children that farming, trade, or manufacture are public services as necessary as fighting, and can be approached in the same spirit. It is the simple truth that to give a child the idea that all work whatsoever that is worth doing must be undertaken as a public service is the only true way of opening his mind and saving his soul. To do that in England is comparatively easy because the soul of every child capable of true education can be made to vibrate



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to the call of something to be done for his country's sake. A sense of nationalism is the only possible basis for any true system of national training; for you cannot save a child's soul by teaching him to live for himself. Herein lies the key to the marvellous regeneration of Japan. The students who effected it were the men who sought knowledge not as a means to a livelihood, but rather that a new candle might be lit in Japan. The feelings which the word 'Motherland' is beginning to stir in Indian minds, is the earnest of a new and living educational movement. The flax is smoking and it is for the wisdom of rulers to breathe on it, in the faith that a new candle in India may be kindled thereby. There is hope for her whenever the hearts of her children begin to burn with that fire. Then, and then only, can the teacher suggest that a service to the Motherland can be rendered by the humblest of her sons worthy as any to be found in government employment. For not until her wealth is increased and placed in larger measure at the public service can India hope to advance. A necessary condition of progress is that labour applied to land shall yield a richer increase because the labour is made more fruitful by knowledge. The pursuit of an ideal brings in its train the material results necessary to achievement. The pursuit of material results for their own sake always ends by defeating itself. Man cannot live by bread alone. By nationalism only can the soul of a people be saved, and whenever a true Indian nationalism has been realized the first step will have been taken towards the higher patriotism of the wider Commonwealth.[1]

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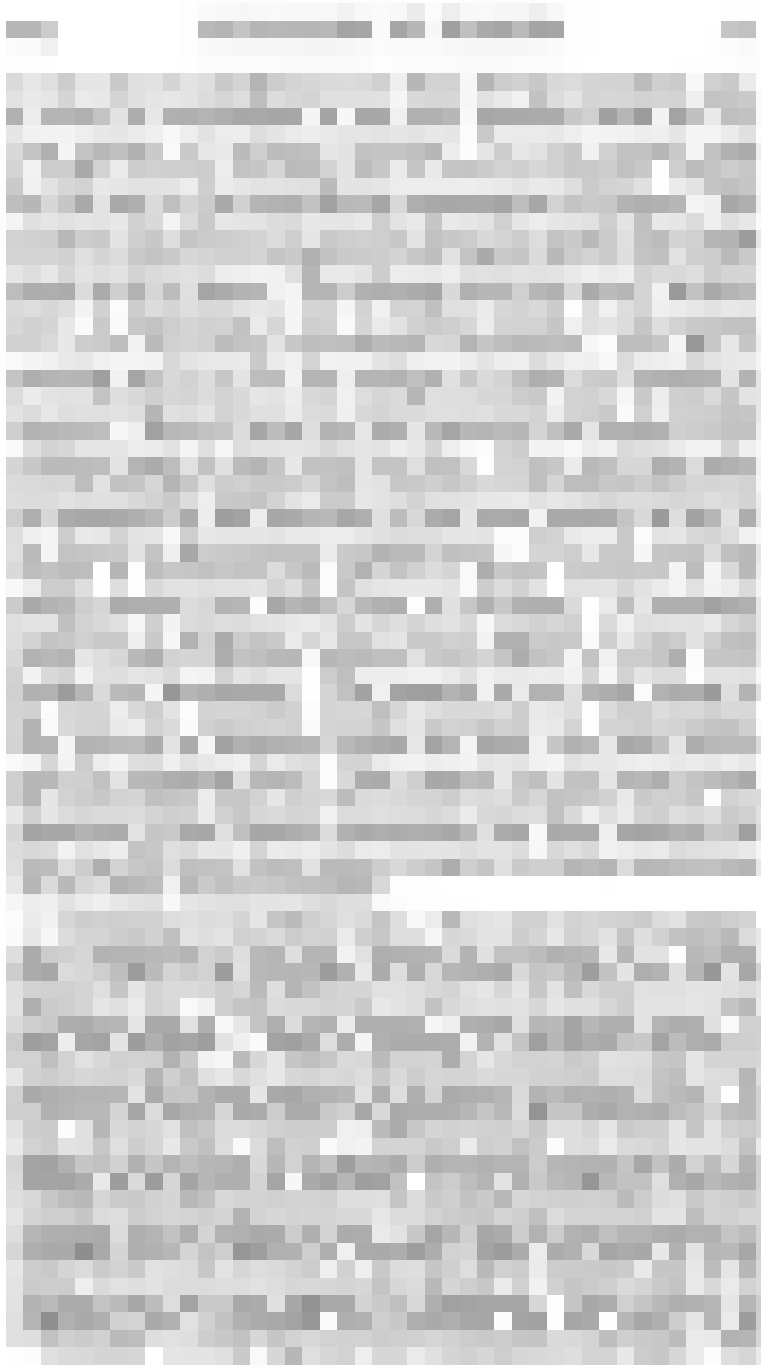

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§ 23. Such then is the curriculum prescribed for boys from the age of five to twelve. It is the board's duty to see that schools where it is taught are established on the average for every twenty-five square miles of their district. The principle is that this teaching shall be available to every child at schools within three miles of his home. This average area of twenty-five square miles is the unit of the primary system. The typical unit consists of one primary vernacular school, divided into the following classes:

A, B	for infants.	I	III
		II	IV

Classes A and B may each contain as many as forty boys while I to IV are limited to thirty each. There is, if possible, to be one teacher for each class; but in no case is one teacher to take more than two, and there must not be more than thirty pupils between the two.

§ 24. Besides the school teaching up to class IV, there is usually one or more preparatory schools which include only classes A, B, I, and II. The Lieutenant-Governor directed that these schools should be treated as branches of a primary school in the neighbourhood, and should be supervised by the head teacher of that school. In each 25 square mile unit there is supposed to be provision for 200 boys, whether in one primary vernacular school alone, or else in one such school together with one or more preparatory schools attached thereto. Some approximation to this standard.is said to have been attained.

§ 25. The last eighteen years which preceded 1914 witnessed a large and disturbing decline in the proportion of Mohammedan schools. Efforts are being made to check the decline and to revive the traditional Moslem schools. Wherever enough Mohammedan parents come forward to guarantee a minimum attendance of twenty boys the board is directed to start a special Islamia school and provide it with a Mohammedan teacher. If a school of a more definitely religious type is required, Mohammedan parents may

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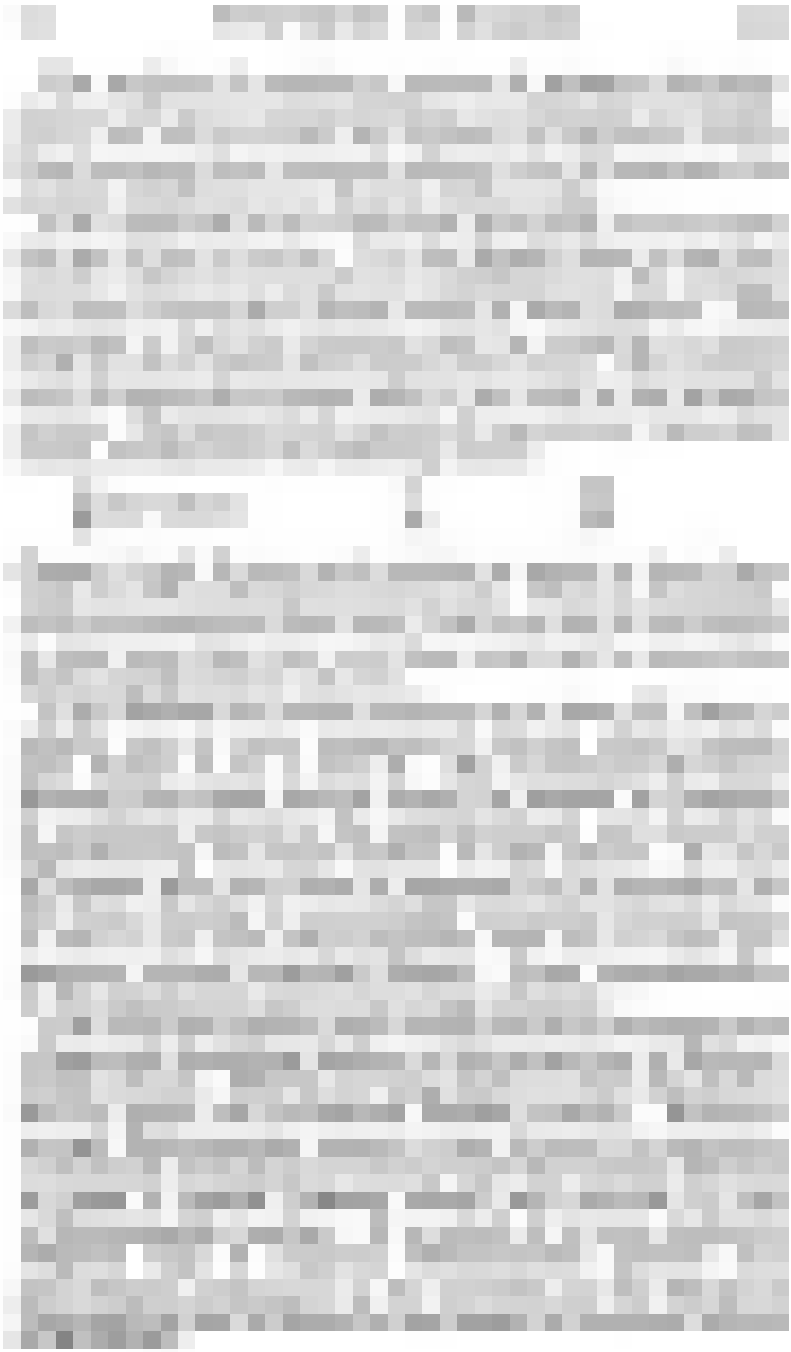

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§ 26. Fees, ranging from one-half anna to four annas a month, are charged. These, however, may be excused on the ground of poverty. Free scholars must not exceed 25 per cent. of those attending the school and usually average about 20 per cent. The list of exemptions is settled by the committee, or, failing the committee, by the head teacher, and is checked by the inspectorial staff of the board.

§ 27. The teachers' pay is supposed to be governed by a scale laid down by the government; but in practice there is hardly a board which has been able to put it into complete operation for want of funds. The majority of teachers are paid at rates lower than the government standard. An annual scheme is prepared for submission to each board by the deputy inspector, and is checked by the inspector of the division. The board is responsible for the teacher's salary in the board school.

§ 28. In continuation of the primary schools are the secondary vernacular schools for boys from ten to fifteen years of age. Scholarships of Rs. 2 a month for three years are awarded to boys of the primary schools for admission to the secondary schools, an amount more than enough to cover the expenses of a day boy, but less than enough for those of a boarder. There are usually four to six of these secondary schools in each district, roughly, that is to say, one in each tahsil. They are often described as tahsil schools.

§ 29. The secondary school provides teaching in three classes, Nos. V, VI, and VII. The curriculum includes arithmetic up to decimal fractions, simple and compound proportion, proportional parts, profit and loss, square root, British weights and measures, measurement of area, of a rectangle, and of volume; of a rectangular solid, &c.; elementary geometry, elementary Indian history, physical geography, and the geography of the world in outline. Sometimes there is nature study. For Hindu children there is reading in the Hindi classics, and the study of the Urdu language up to the full primary standard. For Mohammedan boys there is reading in the Urdu classics

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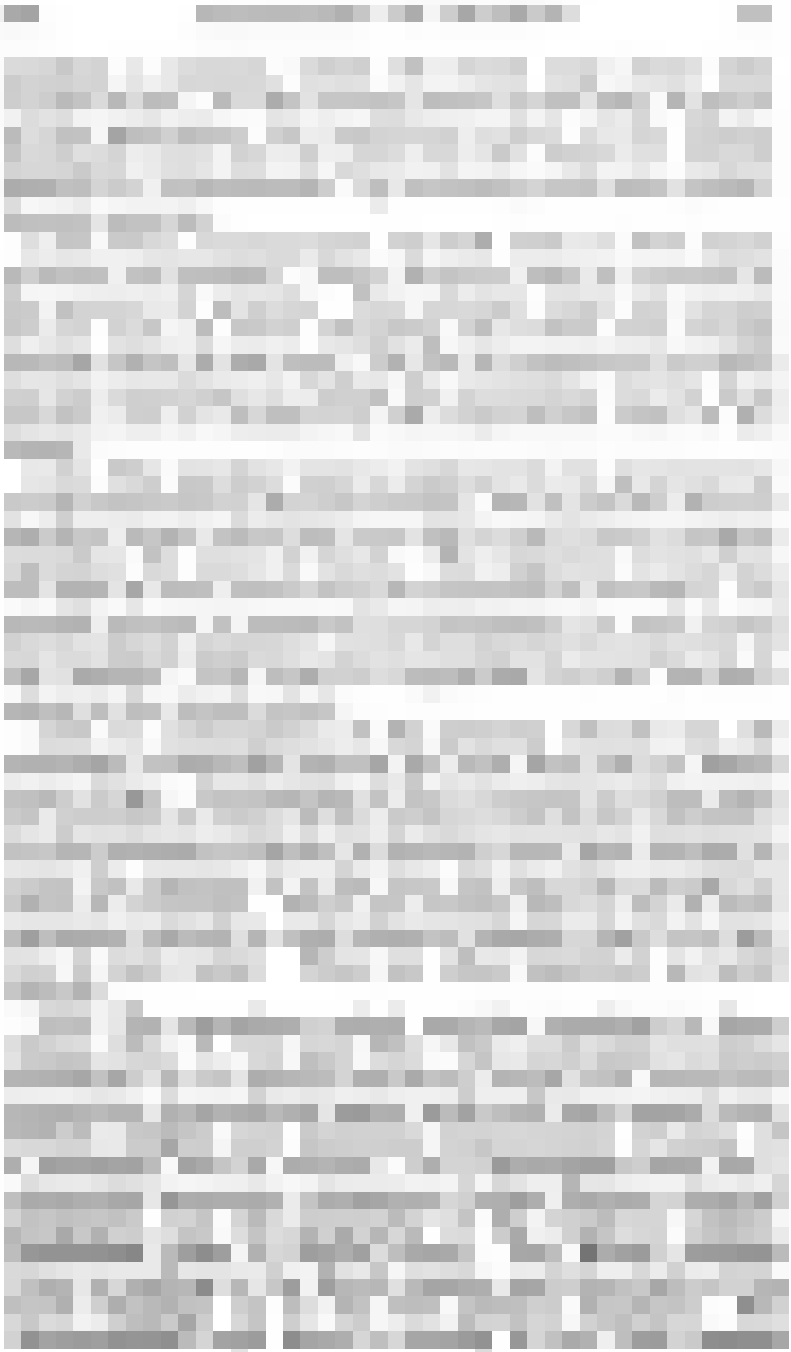

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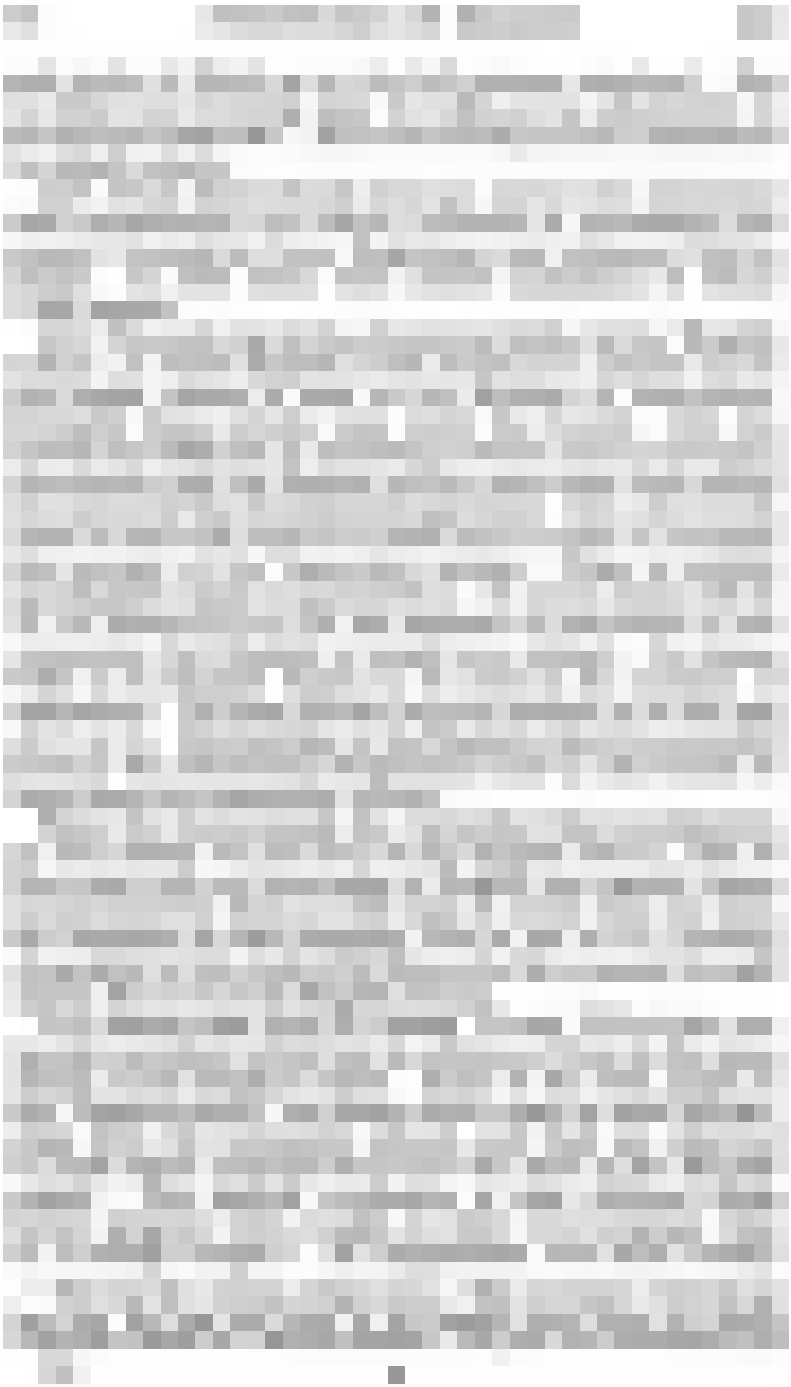

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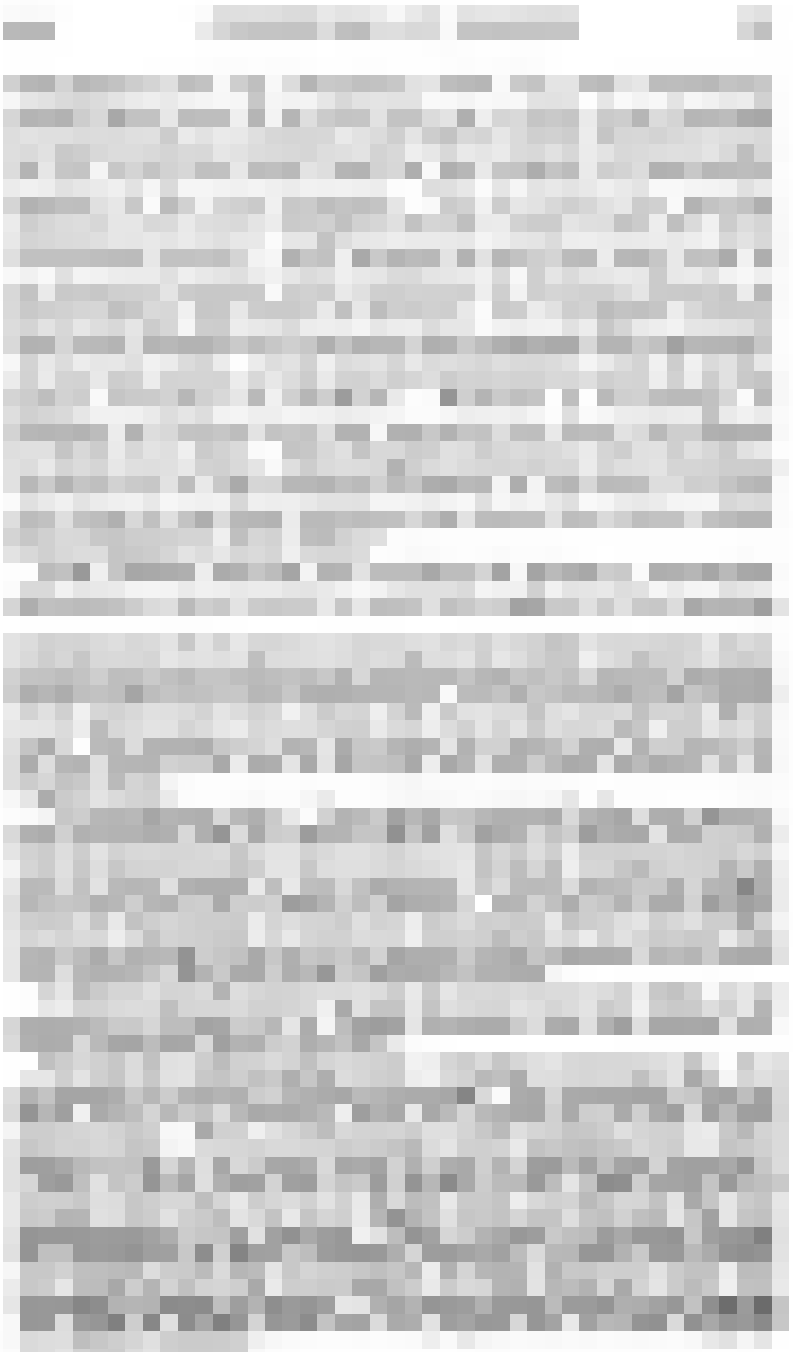

of girls. This in the United Provinces is in the most backward state, especially amongst Mohammedans. The causes which are operating against progress are summarized as follows :

(1) Prejudice and apathy of the masses.
(2) No expectation of pecuniary gain in educating girls as there is in educating boys.
(3) Long-standing Indian custom to disregard the education of women.
(4) Strict regard for purdah and fear of its ultimate collapse.
(5) Poverty.
(6) Paucity of qualified lady teachers.
(7) Above all, the unsuitability and uselessness of the subjects taught in girls' schools.

To these causes must be added one other—the early marriage and motherhood of girls. It is a common experience for a girl of the age of twelve or even younger to leave school for her confinement. In India, unless girls are married as children, they are scarcely likely to marry at all ; and this all over the East is regarded as the greatest misfortune which can overtake a woman.

The policy of Government in dealing with this problem is stated as follows : It is advisable that Government, while not shrinking from its responsibilities in promoting female education, and not hesitating to take the initiative in areas where development would be otherwise indefinitely postponed, should follow and aid private enterprise rather than embark on delicate experiments with the risk of running counter to prejudices, the extent and strength of which it is difficult to gauge.[1]

The report goes on to explain that responsibility for female education is to be divided between government and the boards on the following lines :

The Government will, for the present at least, retain ordinarily one exemplar school in each district, for the purpose of setting the standard and even more for the all-important object of keeping control over the supply of efficient teachers. The further development of female education will have to be carried out by the boards themselves with their own resources, supplemented by such assistance, for specific purposes and on defined conditions, as the provincial Government may be able to afford. The ordinary business of the board will be to help and encourage private institutions which provide efficient primary teaching, where such institutions exist or can be induced to start. Where they cannot be called into being or where they are inadequate to the local demand, the board must

[1] Lieutenant-Governor's Resolution of August 25, 1914, p. 25.

of girls. This in the United Provinces is in the most backward state, especially amongst Mohammedans. The causes which are operating against progress are summarized as follows :

(1) Prejudice and apathy of the masses.
(2) No expectation of pecuniary gain in educating girls as there is in educating boys.
(3) Long-standing Indian custom to disregard the education of women.
(4) Strict regard for purdah and fear of its ultimate collapse.
(5) Poverty.
(6) Paucity of qualified lady teachers.
(7) Above all, the unsuitability and uselessness of the subjects taught in girls' schools.

To these causes must be added one other—the early marriage and motherhood of girls. It is a common experience for a girl of the age of twelve or even younger to leave school for her confinement. In India, unless girls are married as children, they are scarcely likely to marry at all ; and this all over the East is regarded as the greatest misfortune which can overtake a woman.

The policy of Government in dealing with this problem is stated as follows : It is advisable that Government, while not shrinking from its responsibilities in promoting female education, and not hesitating to take the initiative in areas where development would be otherwise indefinitely postponed, should follow and aid private enterprise rather than embark on delicate experiments with the risk of running counter to prejudices, the extent and strength of which it is difficult to gauge.[1]

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lead the way and open schools of its own. The guide to the location of the boards' schools will have to be largely the expressed wishes of the people themselves, and the limit to their numbers will have to be the boards' resources. It may be accepted as a general principle that if, in any town or village, a committee or group of parents come forward to provide temporary accommodation and guarantee an attendance of at least twenty girls, the board should equip the school and appoint a qualified mistress. If the school becomes an established success, a permanent building for it may be subsequently erected; but in ordinary course the desirability of the guarantee should be tested for at least three years. The provision of funds, both for this purpose and for the liberal aiding of private schools, will be a matter for subsequent determination between the Local Government and the boards.[1]

§ 33. With this description of the system before us, we are now in a position to understand the most difficult of the controversies which government was called upon to settle in 1914, that relating to the exact character of the vernacular which was to form the medium of education in the schools administered by the boards.

Before the Mohammedan invasions from the north the principal language of these provinces was Hindi, a language closely allied to the ancient Sanscrit, closely associated therefore with Hinduism, and written in the Nagari script. For the purpose of administration the Mohammedans took many words of Hindi and compounded them with many Persian and Arabic words of their own. The result was Hindustani, the language of administration, of the camp and matters of everyday life; and this language was written both in the Persian and also in the Nagari script. The result was a *lingua franca*, which, though written by Hindus in the Nagari and by Mohammedans in the Persian character, is in conversation available to both for the limited purposes of ordinary life. For literary expression, or for the purpose of rational discussion, whether of politics, religion, or morals, the Hindu resorts to Hindi words, while the Mohammedan on the other hand uses Urdu words of Persian and Arabic origin. Thus it is only for the most ordinary purposes that Hindus and Mohammedans converse in a common language. For all higher purposes the one converses in Hindi and the other in Urdu; and each is written in a different script.[2]

[1] Lieutenant-Governor's Resolution of August 25, 1914, p. 25.

[2] For a different account of this question from the pen of an expert, see appendix to this paper, p. 323.

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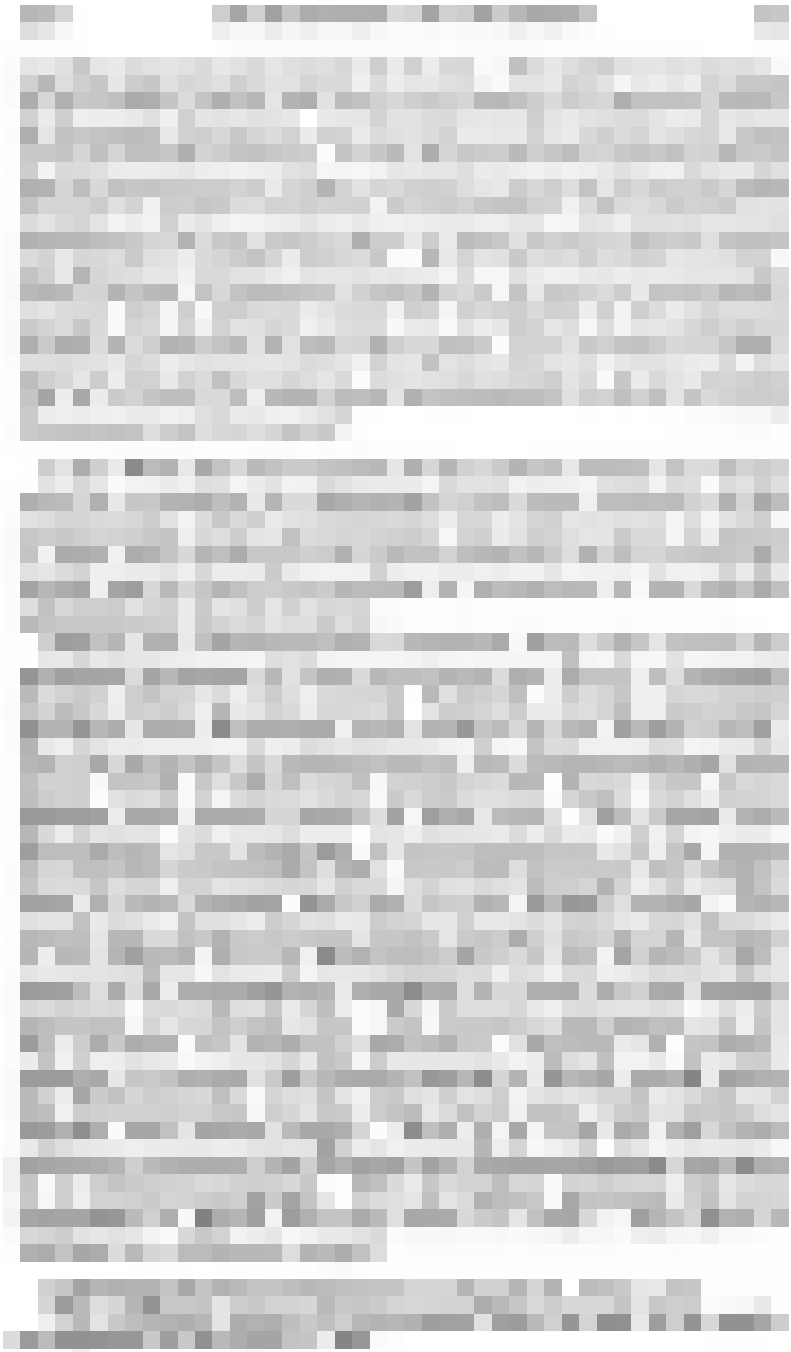

§ 34. These conditions occasion no serious problem in the earlier stages of a child's education. So long as teaching is confined to simple words and ideas the common basis of Hindustani provides all that is needed. The text-books can be printed in both the Nagari and Persian scripts, the children of Hindus and Mohammedans can thus learn to read either or both. But when the child begins to pass beyond the stage of simple words and ideas, the restricted vocabulary and the simplified grammar of Hindustani begin to break down, and his teaching must be given and his text-books must be worded more and more either in Hindi or else in Urdu. The choice raises the whole issue between the two religions. A similar position might easily have arisen in the south-east of Europe, where members of the Latin and Greek churches mix. Such a population might have evolved a mixed patois of Greek and Latin words for the purpose of ordinary conversation. But the moment that education had reached a certain point, parents of the Roman religion would wish to have their children taught in the language of Latin origin in which the liturgies of their Church were expressed, while those of the Greek Church would wish their children to be instructed in the Greek tongue.[1]

§ 35. In either religion are extremists who would, if they could, secure a decision in favour of the language of their own religion, and the suppression of the other language as a medium of education. No reasonable person is likely to listen to such views ; and, therefore, the practical question arises whether the bifurcation into Hindi by Hindu children and into Urdu by Mohammedan children is to take place before the stage of vernacular education, as provided by government, is passed, and, if so, at what point. In 1876, and again in 1903, the government of the United Provinces tried to solve the problem by insisting on the policy of prescribing readers in the limited common language. As noted in an earlier page, a committee was appointed in 1910 to draw up a scheme for the preparation of new readers, and a majority of the members ' held that in higher readers some simple passages of literary merit should be interspersed with lessons written in the common language, and that such passages must of necessity be in distinctive Urdu or Hindi '.[2]

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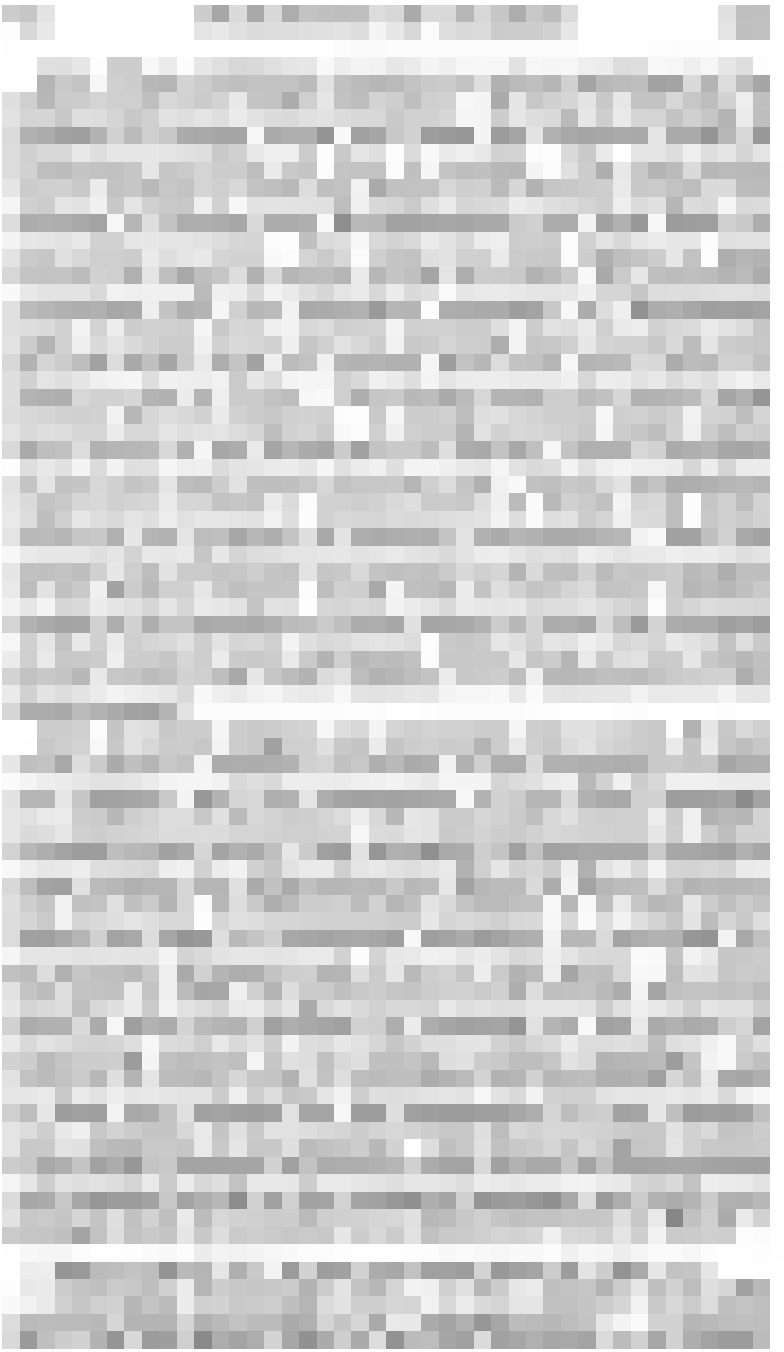

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The government, however, adhered to its previous position, and dissolved the committee. In the next four years the whole position was explored by several committees and became the subject of wide discussion. From these discussions emerged a distinct preponderance of opinion in favour of bifurcation before the child had passed the stage of class IV. But as to the exact point at which the bifurcation should begin, and as to the way in which the text-books should be prepared, a variety of different schemes were produced. Obviously the question was one which admitted of settlement in a great variety of different ways, each of which might be regarded as more or less favourable to either of the rival religions.

§ 36. With all this mass of varied opinions before him, the Lieutenant-Governor sat down in 1914 to decide the question. He began by stating the principles upon which he proposed to base his decision as follows:

> The conclusions of the Lieutenant-Governor then are that—
> (*a*) The common or Hindustani language, printed in either Persian or Nagari type, should be used in the primary readers, so long as it has anything to teach.
> (*b*) When the common language has nothing more to teach, the pupil should learn to read Urdu or Hindi according to the wish of his parents;
> (*c*) The readers printed in the common language and used up to the end of class IV do not allow the pupil to leave his primary school with that mental equipment which it is desired to give him.

In other words, while His Honour accepts the policy of teaching the common language so long as possible, he believes that bifurcation may be deferred too long. At present, in his opinion, it is unduly deferred, and valuable time is lost in reading and re-reading a primer when it has ceased to serve any purpose as a means of progressive education. He considers, therefore, that bifurcation should begin a little earlier than is now the case. Primers on the lines of those now in use, printed in either character, should be retained for

School whereas Muhammadans wished to retain the "common language" there. I discussed the question with Hindu and Muhammadan friends, but I never got an explanation more illuminating than that the question was a "political" one. I was inclined to think that the reason was that Hindi has a literature whereas there is no Urdu literature worthy of the name, and that the Muhammadans feared that in time their language—the one without a literature—would be displaced by Hindi, the language with a literature. I put the question to an eminent Hindi scholar—a European—and his opinion was, as you say, that the issue was one between the two religions: in Hindi there is a book—the Ramayana—whereas in Urdu there is no book.'

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The course of study thus indicated will, Sir James Meston trusts, maintain the principle of elementary teaching in a simple common language so long as such teaching has an educative value; while it will ensure that the pupil leaves class IV with an education which will not only be of practical value to him in after-life, but will also open for him the door to the literature of his religion and his ancestors. This was, he feels sure, the aim of all the members of Mr. Justice Pigott's Committee, though the attempt at reconciling divergent views led to a form of compromise which would have presented difficulties in practice. The alternative he has decided to adopt will, he believes, not prove open to this objection; but he does not pretend to hope that it will please all schools of thought. *The question has reached a point where mutual concessions seem impossible, and it is clearly the duty of the Government to formulate a decision, making the interests of the child its sole consideration and the progress of sound education its only aim.* To this decision there is one corollary of first importance, viz. that every private school must be equipped, with the least possible delay, with masters who can and will teach the new curriculum. It will be the care of district boards to see that these are provided, and of the department of Education to ensure that every future teacher is thoroughly instructed in both characters and in the intelligent use of both the supplementary readers.[1]

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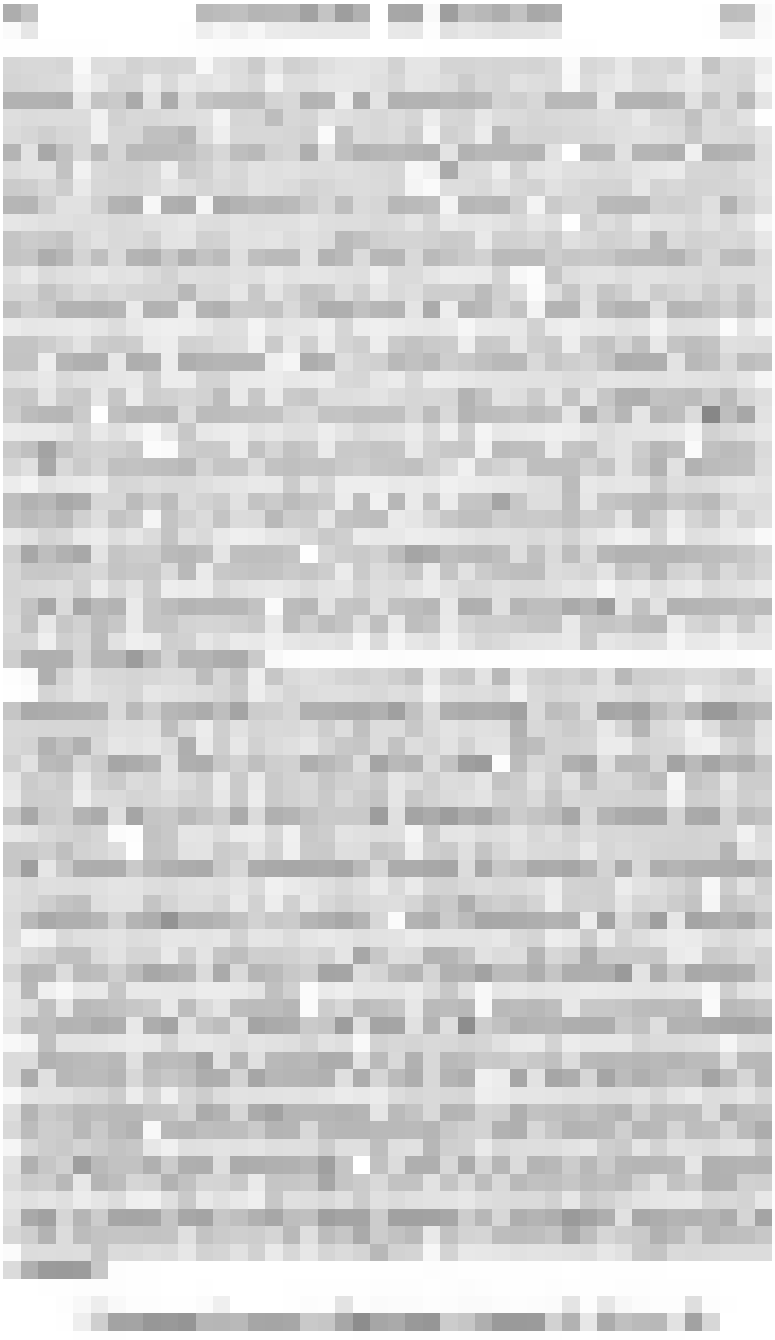

§ 37. For the training of teachers for the vernacular schools provision is made as follows. The educational department maintains normal schools, and roughly there is one for each of the ten divisions of the province. The heads of these schools and two or three assistants are men who have attended the university and have been trained in an English training college, i. e. a college which trains teachers for English teaching schools. The rest of the staff are men who have had only a vernacular education and have themselves been trained in a normal school. But all work at the normal school is done in the vernacular. To the normal school for each division each district board sends about six teachers a year for a two years' course. For each division about forty certificated teachers a year are produced by each normal school. From these teachers the secondary vernacular schools are staffed, and head teachers are provided for all primary schools. The certificate is provisional until the holder has served satisfactorily as an actual teacher in a recognized school.

Special grants, not included in the settlements, are also given to the boards for maintaining training classes for teachers. These classes were, till recently, attached to the secondary vernacular schools maintained at the centre of each tahsil. They contain from six to eight students, and the primary schools are used as their training grounds. Their course covers one year and certificates are awarded by the department.

The best youths who have taken the vernacular final certificate are selected for the normal schools. The next best are sent to the training classes. All of them are paid small stipends during their training. But a great number of teachers in the primary schools have still merely passed the vernacular final examination, and have had no special training as teachers.

For the training of female teachers the boards have no responsibility. They are trained in special classes attached to the model or exemplar girls' schools maintained by the educational department in each district. They are also trained in the girls' normal schools in Lucknow and Bareilly, and certificates are awarded by the department. Others are trained in aided schools maintained by missions which pay special attention to female education.[1]

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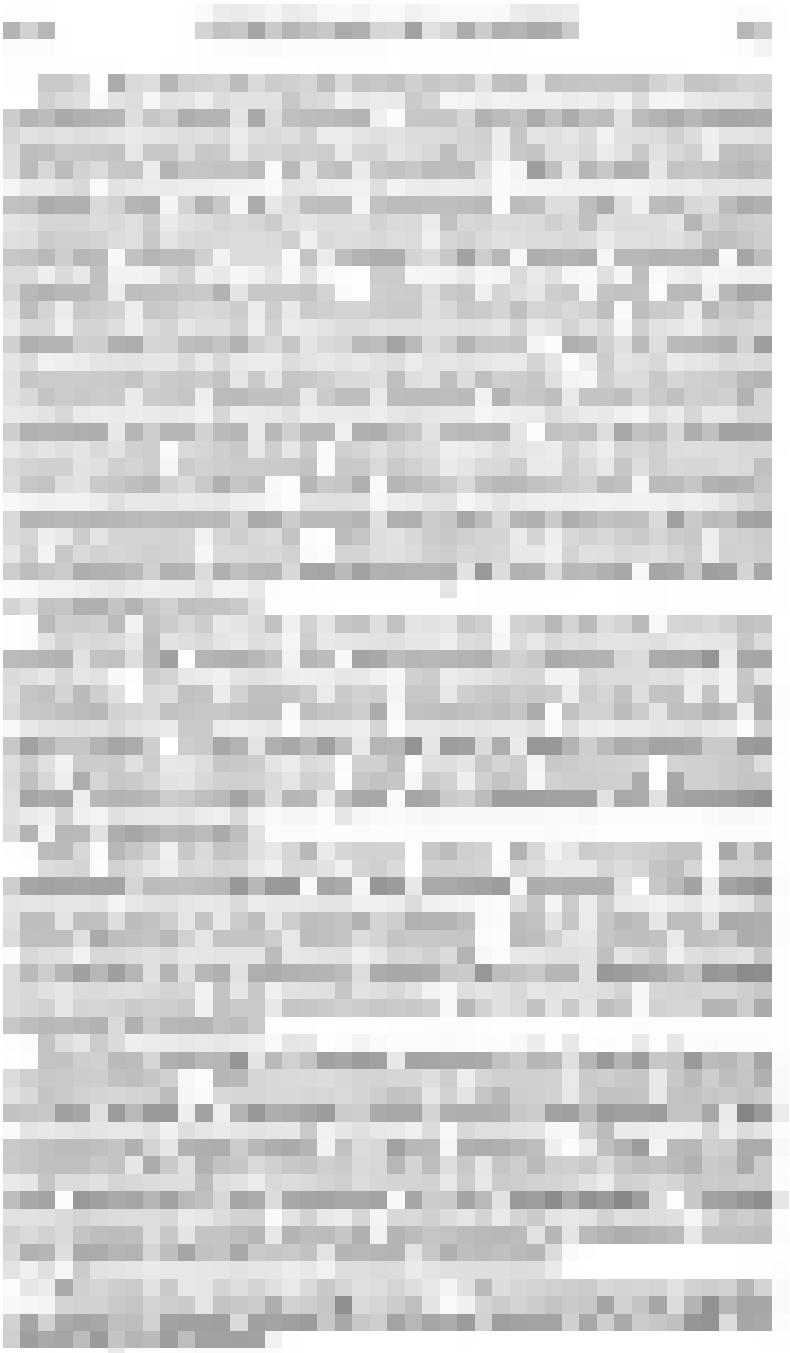

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§ 38. The teachers' work in the schools is supervised by inspectors who are officers of the educational department. There is one inspector for each of the ten divisions. Of these, at the present moment, six are Indians. Five years ago there were nine divisions with five European inspectors and four Indians. In addition to these inspectors there is one Mohammedan inspector specially charged with the duty of promoting the education of Moslems throughout the province. This inspector is assisted by a Mohammedan deputy inspector for each division.

For each district there is one deputy inspector, and, roughly speaking, for each tahsil one sub-deputy inspector. These officials are always Indians. As noted in IV they are servants of the educational department placed at the disposal of the boards. They inspect the schools of the district for the board and administer them. Their reports go to the board, not to the inspector, except in the case of tahsil schools, their reports whereon go to the chairman of the board through the inspector. In the words of article 28 of the educational code: 'While under the direct control of the inspector, district inspecting officers are, in matters relating to the administration of vernacular education, the assistants of the chairman of the district board, and subject to his general control.' He is in practice the servant of the board, and the inspector has comparatively very little

'VERNACULAR BOYS' SCHOOLS:

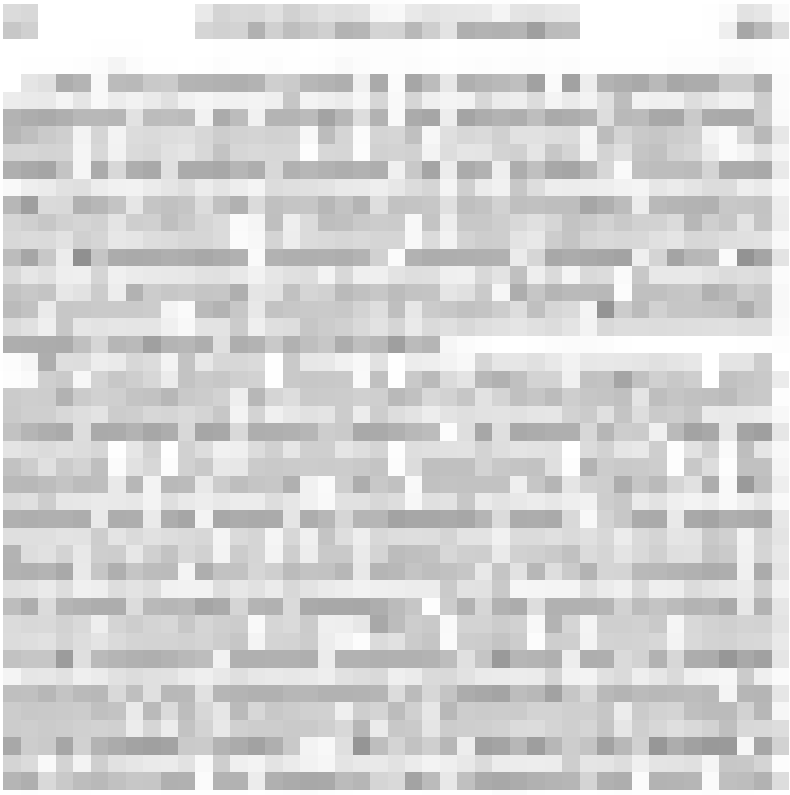
'*Demand.* The total number of teachers on the 31st March, 1917, was approximately 24,000, of whom 11,000 were trained. The annual wastage (due to death, retirement, &c.) may be estimated at 6 per cent. of 24,000, i. e. 1,400 approximately. To provide for expansion in accordance with the estimate of the Lieutenant-Governor's Resolution of 25th August, 1914, 1,000 new teachers are required annually. Thus the present demand for trained teachers is 1,400 (for wastage) plus 1,000 (for expansion), i. e. 2,400 per annum.

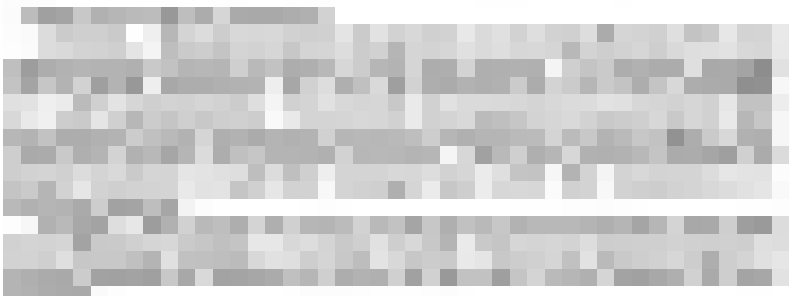
'*Supply.* The supply at present is 300 (from Normal Schools) plus 1,630 (from Training Classes), i. e. a total of 1,930. Hence the present output of trained teachers is deficient by about 20 per cent. of the demand for new teachers.

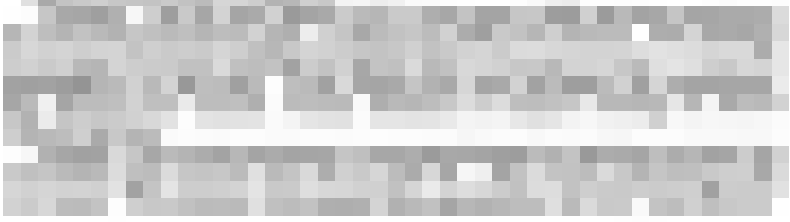
'VERNACULAR GIRLS' SCHOOLS:

'*Demand.* On the 31st March, 1917, there were 1,896 teachers employed in vernacular schools for girls; of these only 240 were trained. The wastage in the case of women teachers is higher than in the case of men; it may be estimated at 10 per cent. Thus, apart from any allowance for expansion, the demand for trained women teachers to replace wastage is about 190 per annum.

'*Supply.* The total enrolment in training classes for training teachers for vernacular girls' schools was 150 in 1916–17. The course of training is for two years. The number who passed the examination in 1917 was only 35.'







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'VERNACULAR BOYS' SCHOOLS:

'*Demand.* The total number of teachers on the 31st March, 1917, was approximately 24,000, of whom 11,000 were trained. The annual wastage (due to death, retirement, &c.) may be estimated at 6 per cent. of 24,000, i. e. 1,400 approximately. To provide for expansion in accordance with the estimate of the Lieutenant-Governor's Resolution of 25th August, 1914, 1,000 new teachers are required annually. Thus the present demand for trained teachers is 1,400 (for wastage) plus 1,000 (for expansion), i. e. 2,400 per annum.

'*Supply.* The supply at present is 300 (from Normal Schools) plus 1,630 (from Training Classes), i. e. a total of 1,930. Hence the present output of trained teachers is deficient by about 20 per cent. of the demand for new teachers.

'VERNACULAR GIRLS' SCHOOLS:

'*Demand.* On the 31st March, 1917, there were 1,896 teachers employed in vernacular schools for girls; of these only 240 were trained. The wastage in the case of women teachers is higher than in the case of men; it may be estimated at 10 per cent. Thus, apart from any allowance for expansion, the demand for trained women teachers to replace wastage is about 190 per annum.

'*Supply.* The total enrolment in training classes for training teachers for vernacular girls' schools was 150 in 1916–17. The course of training is for two years. The number who passed the examination in 1917 was only 35.'

to do with him. The deputy cannot correspond directly with the inspector, except on certain prescribed topics such as curricula, examinations, &c. The deputy is practically held responsible for the state of education in his district.

The schools are also subject to inspection as to buildings, equipment, attendance of children, and teachers and general administration, but not as to the teaching given, by the district officer and his subordinates. The reports go to the office of the board but not to the educational department.

§ 39. So far as primary vernacular education is concerned the educational department is assisted by an advisory body known as the Board of Education. All kinds of people with special experience are called from time to time to sit on this body, but the director and assistant director of public instruction, the chief inspector of girls' schools and the inspector of Mohammedan schools are always members. Amongst other things it discusses English schools for girls, schools of the secondary type, and the education of the depressed classes. The results go to government in the form of advice. Besides this, frequent special committees are convened to advise upon such subjects as the congestion of schools. Through these various agencies the educational department is kept in touch with public feeling.

§ 40. From the foregoing summary the nature of the functions and revenues delegated to elective boards will be sufficiently clear. It is left to the boards to decide where to open new schools, where to close schools, where to aid them, how to staff them, how to train the staff, where to build new buildings, how to build them, and so on. In many of these matters they are required to satisfy certain minima conditions laid down by the local self-government board or the educational department. The marked variations in progress between one district and another is some index of how much depends upon the zeal and energy of the individual boards.

§ 41. One point which seems to throw some light on the problems which form the subject of this inquiry remains to be noticed. 'It seems unfortunately true that in these provinces primary education is less efficient in municipal areas than it is in rural areas.'[1] Here again the results in India are contrary to those experienced in other parts of the world. The explanations given of this state of affairs are as follows. The rules made under the District Board Act

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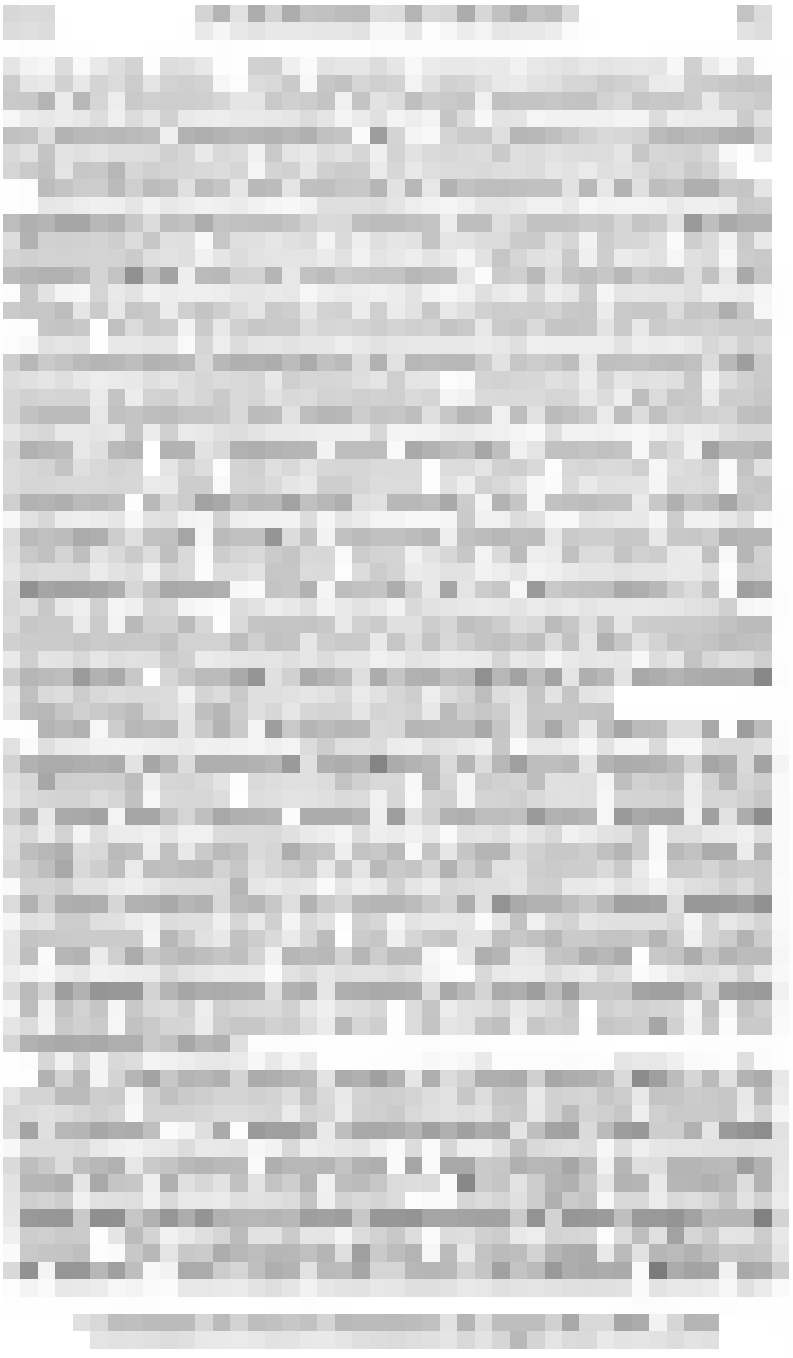

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give the district boards little scope for going astray. Municipal boards are left much freer. Their finances are more elastic, and it is the avowed intention of government to give them as much freedom from control as possible. The members belong almost exclusively to the middle classes, and their real interest lies in providing facilities for English education. They are, not unnaturally, keener about the education of their own children than about that of classes of a lower status. The result has been that very little has been spent on developing primary schools (which are more expensive in cities) and the expenditure has not been well directed. The municipal boards, moreover, have largely relied for inspection on their own officers or members. Municipal boards will in future be assisted by grants to enable them to employ qualified supervising officers of their own, and they will at the same time be more adequately supervised by government inspectors.[1] Another reason suggested is that the personal influence of the district officers and their deputies is greater in rural districts than in cities. As chairmen of the district boards, these officers have been disposed to use that influence to push primary education and to induce parents to send their children to school.

§ 42. Enough has now been said to show where government control ends and that of the boards begin, so far as education is concerned. In respect of their other principal functions the line of division can be shown more briefly. These functions are—

Medical Relief.	Veterinary Service.
Rural Sanitation.	Roads.
Vaccination.	Public Works.

The medical relief provided by the boards is for the most part administered through dispensaries and hospitals. These institutions are provided and paid for by the district boards, but the staff is supplied and disciplined by the civil surgeon, under the general supervision of the inspector-general of hospitals for the province.

§ 43. Rural sanitation has scarcely passed beyond the stage of providing supplies of permanganate of potash for disinfecting wells where cholera has broken out, helping villages

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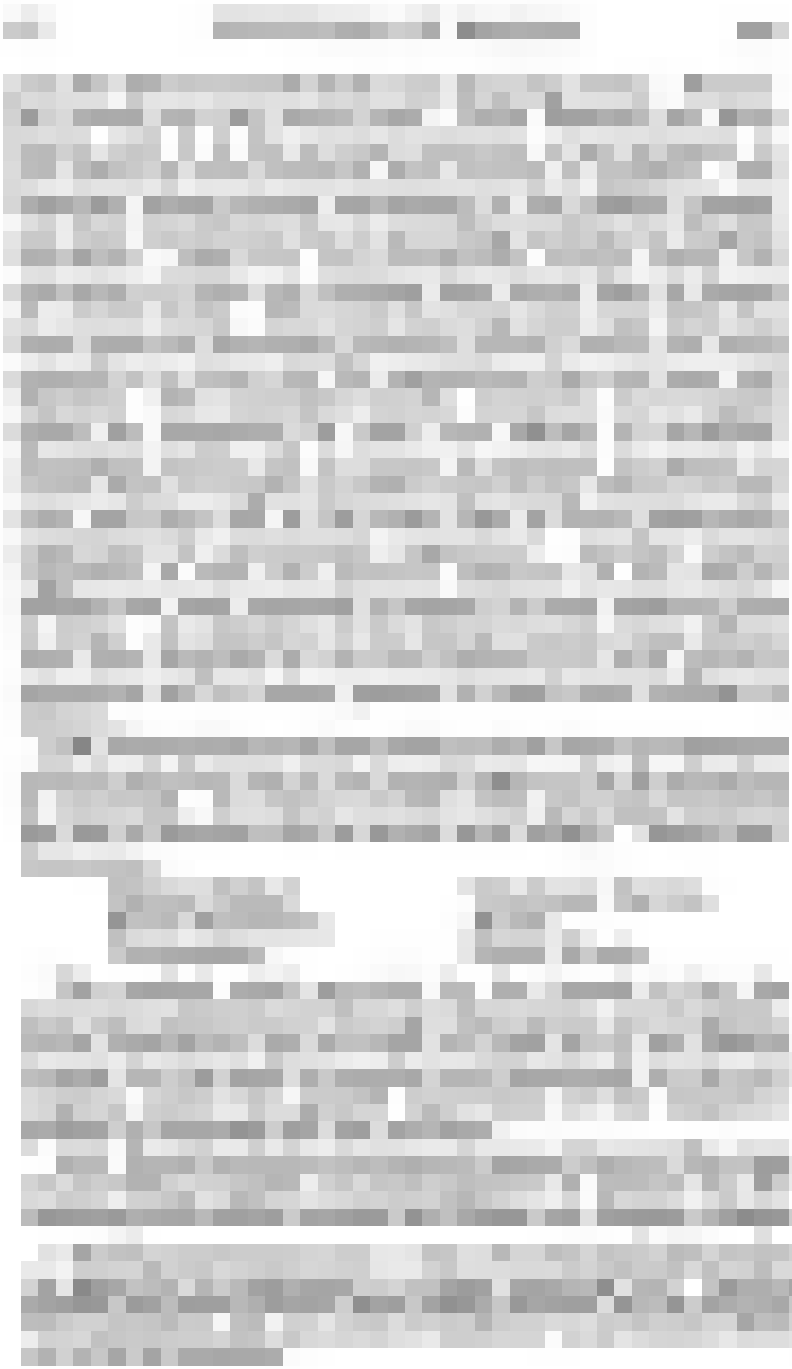

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Vaccination is administered entirely by the district surgeons. The boards do no more than vote the money to be spent on the service.

For veterinary work the board usually provides one dispensary [1] and three or four travelling veterinary officers. Their duties are to inoculate against pests, treat sick animals, and perform minor operations such as gelding. These veterinary officers are all government officials, subject to the superintendent of the civil veterinary department which is under the director of agriculture. The chairman of the board can send these veterinary officers to any particular place and suspend them for negligence, pending inquiry by the head of their department.

§ 44. We may now turn to roads and bridges. The trunk roads of the province are constructed, maintained, and paid for by the provincial government. All other roads are paid for by the boards. The work on some of the metalled roads is done for the boards by the public works department. Even on roads where the boards do their own work, some of their overseers are officials of the public works department. In most cases they are recommended by that department.

Constructional works costing less than Rs. 2,500, whether buildings, roads, bridges, or drainage-works, may be undertaken by the boards through their own staff.[2] Constructional works of any kind over that figure can only be undertaken through the public works department. Over works of this nature there exists a standing controversy between the boards and the public works department. The boards complain that the public works department specifies and requires a solidity and permanence of structure which the boards regard as over-costly. The public works department considers, on the other hand, that unless an adequate cost is incurred in original construction, the revenues of the boards will be over-burdened with maintenance charges.

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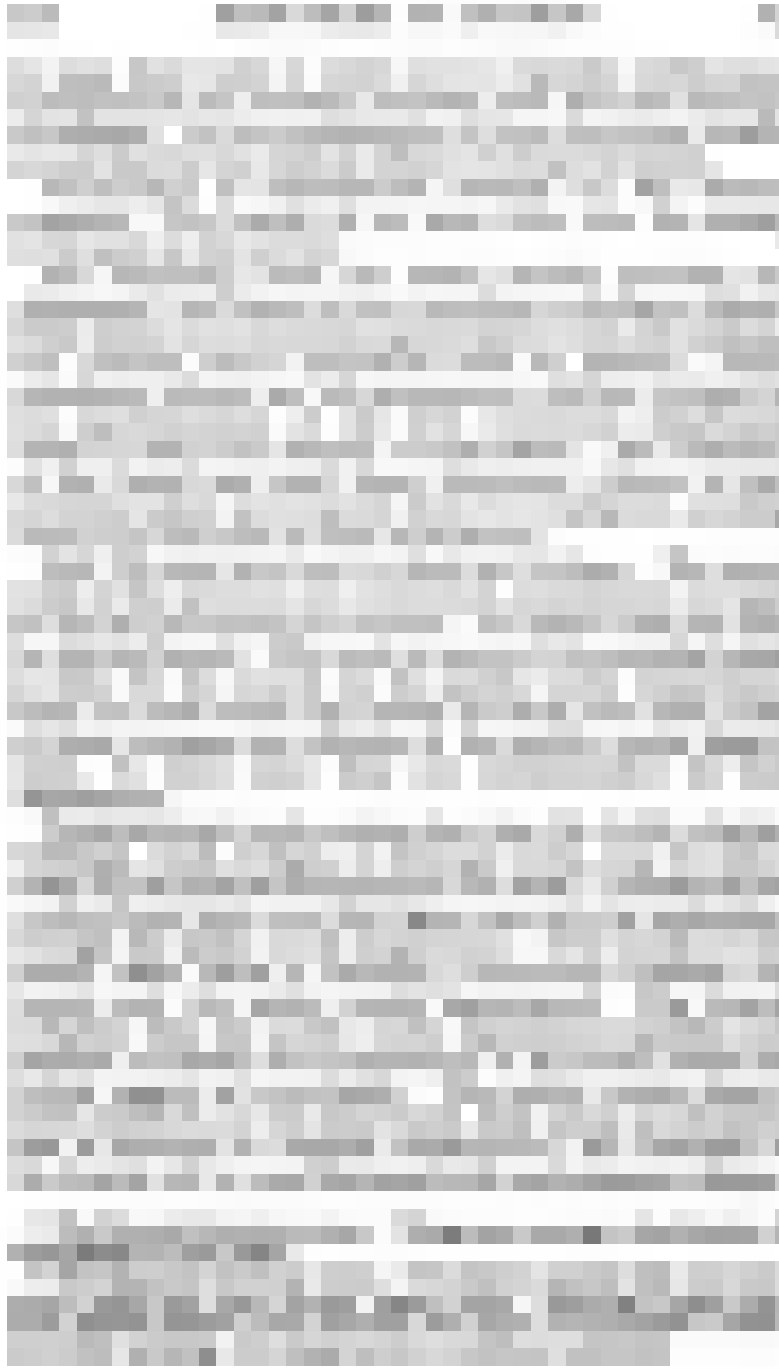

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The result is that the boards always try where possible to keep projected works within the Rs. 2,500 limit so as to retain the control of design and construction in their own hands.

§ 45. It will thus be seen that all these functions assigned to and paid for by the boards are in fact administered, for the most part, by government officials, in their discipline responsible to government departments. It must always be remembered that the chairman of the board is in all cases, at present, the district officer. It remains to be seen whether the system would work if once this nerve, which now connects the elective boards with the government departments, were severed. It is not unlikely that the dispensaries, vaccination, and veterinary stations would have to be staffed by officers subject to the discipline of the boards. The government officials would then be confined to inspecting and reporting to government how far the boards were discharging their functions. The normal means exercised by governments elsewhere in keeping the local authorities up to the mark, is by threatening to withhold grants-in-aid, or, in the last resort, by suspending the local authority in default and administering the district itself for a time.

C

MODIFICATIONS OF THE PROPOSALS OUTLINED IN III AS A RESULT OF THE FOREGOING ANALYSIS AND ALSO OF CERTAIN CRITICISMS RECEIVED

§ 46. In these pages and in IV we now have before us information in sufficient detail to see how far some of the proposals contained in III need to be revised in order to make them workable. I also have before me a mass of criticism from a number of correspondents upon these proposals. By several of these gentlemen it is weightedly urged that education, or at any rate primary vernacular education, ought to be included in the first group of functions transferred from the present provincial governments to the ministers of a legislature responsible to a provincial electorate.[1] An important question arises whether the control of primary vernacular education is in practice

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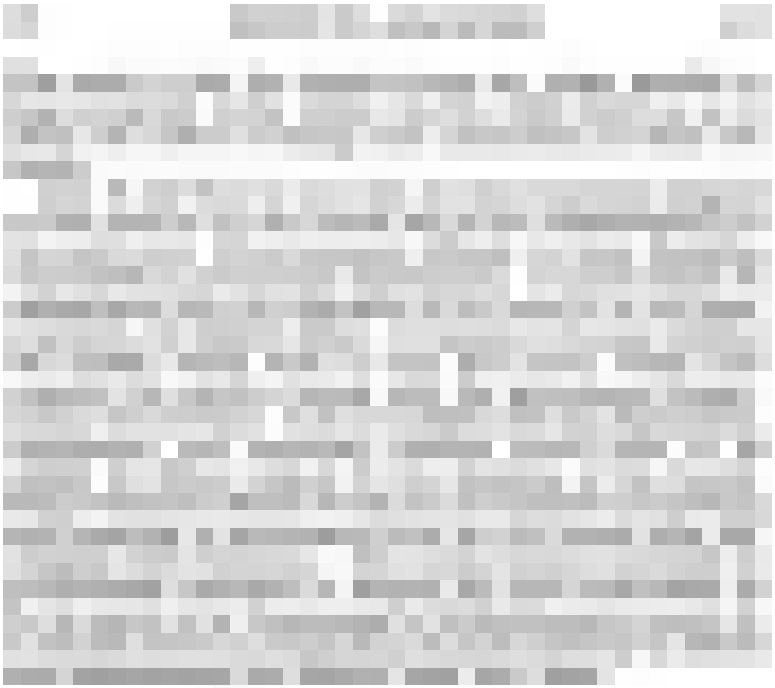

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§ 47. From the foregoing analysis one feature clearly emerges. In the very imperfect list of functions printed on pp. 113–4 of III, the following functions are grouped together:

Public Health.	Local Government.
Hospitals.[2]	Education.
Dispensaries.	

As observed on a previous page, these functions 'are so nearly' interconnected that they would all have to be transferred 'together'. Certainly that is true so far as vernacular education is concerned, for local government is simply the control of the local bodies which administer vernacular education. For the same reason it is true of dispensaries and also of such aspects of public health as are now administered by the boards.

§ 48. In this matter of dispensaries and public health we are faced by one of those curious administrative tangles

[1] Parliament eventually decided, on the recommendation of Mr. Feetham's committee, to transfer education as a whole, including Universities, to ministers responsible to electorates, with the temporary exception of Calcutta.

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'*Hospitals.* In each district one hospital and staff and the civil surgeon must be retained by the provincial government. The civil surgeoncies must be retained for the following reasons:

'(1) They form the reserve for the army in time of war.

'(2) They are required for medico-legal work.

'(3) They are required for the jails and lunatic asylums.

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The procedure suggested in paragraph 37 of III provides a way out of this difficulty. Under this procedure the new ministry would take into their service from the old executive so many members of the medical service as were required to administer the dispensaries and rural sanitation. This is but one illustration of the truth that the present machinery of government is adapted to a bureaucratic system which has its mainspring outside India. In establishing organs of representative government, those organs must be allowed to construct new machines out of materials selected from the old services, on principles which have regard to the fact that each self-governing organ has a separate mainspring in its own electorate. The new ministries could then decide for themselves whether it would be possible to continue the present system under which their officials do the medical work paid for by the boards, or whether the boards, as in other countries, should have separate officials of their own. It need hardly be added that the existing rights and privileges of officials would have to be guaranteed. Presumably ministers would have to offer terms good enough to induce Indian officials to transfer their services from the old government to the new. And, so far as the medical services are concerned, the process would be greatly facilitated by the fact that plenty of Indian officials are available.

The same conditions apply to the veterinary service administered by the boards. Here, however, the whole problem would be solved automatically if it were decided to transfer the agricultural department to the ministry

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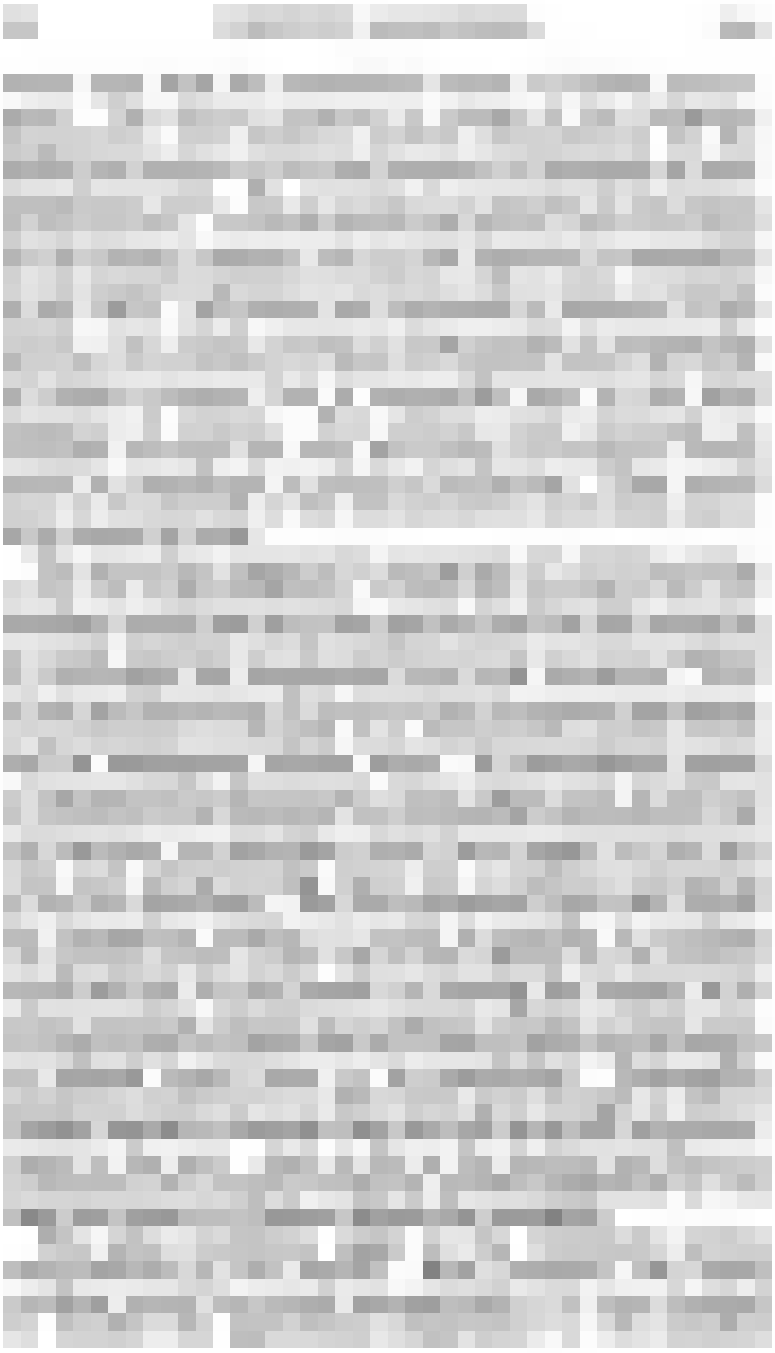

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§ 49. We now come to roads and buildings. So far as provincial trunk roads are concerned, these might either be retained by the old executives or handed over to the ministries together with the first batch of powers, as might seem desirable. Such roads are already scheduled and separated from those entrusted to the boards, and if desirable in the earlier stages of the process, the two sets of roads could easily be administered by two different authorities.[2]

§ 50. As to the public works department there can be no question of transferring the department *en bloc*. It goes without saying that a ministry to whom any important functions were assigned would have to organize a public works department of their own from the personnel of the public works department controlled by the existing provincial government. Under self-governing institutions a public works department is, like a printing and stationery department, correlative to any administrative authority of importance. It must have a body of constructional experts under its own direction, through whom to construct its buildings, roads, or any other part of its physical plant. Even the Government of India has such a department for the construction of the new capital at Delhi. Otherwise it depends upon the public works departments of the provincial governments. At Simla, for instance, the public works department of the Punjab looks after the government buildings. Such an arrangement is possible because provincial governments are merely local departments of the Government of India. Their mainspring is not in themselves but in the Government of India, and they are in every detail under its orders. But the moment you create a real organ of provincial self-government responsible to an electorate, its mainspring is in that electorate. For discharging the functions assigned to it, it is answerable to its own electorate and not to the Government of India, and it must therefore

[1] A commissioner notes: 'The veterinary service forms a branch of the agricultural service, and it will be better to keep it with the agricultural service and take it away from the responsible government till the whole agricultural department is transferred.'

[2] A commissioner notes: 'I do not anticipate any harm from the transfer of the trunk roads. They have not the same importance from a military point of view since the advent of railways, and even if the responsible government allowed its roads to get bad, no irreparable damage would ensue. In this matter public opinion would probably keep the responsible government up to the mark.'

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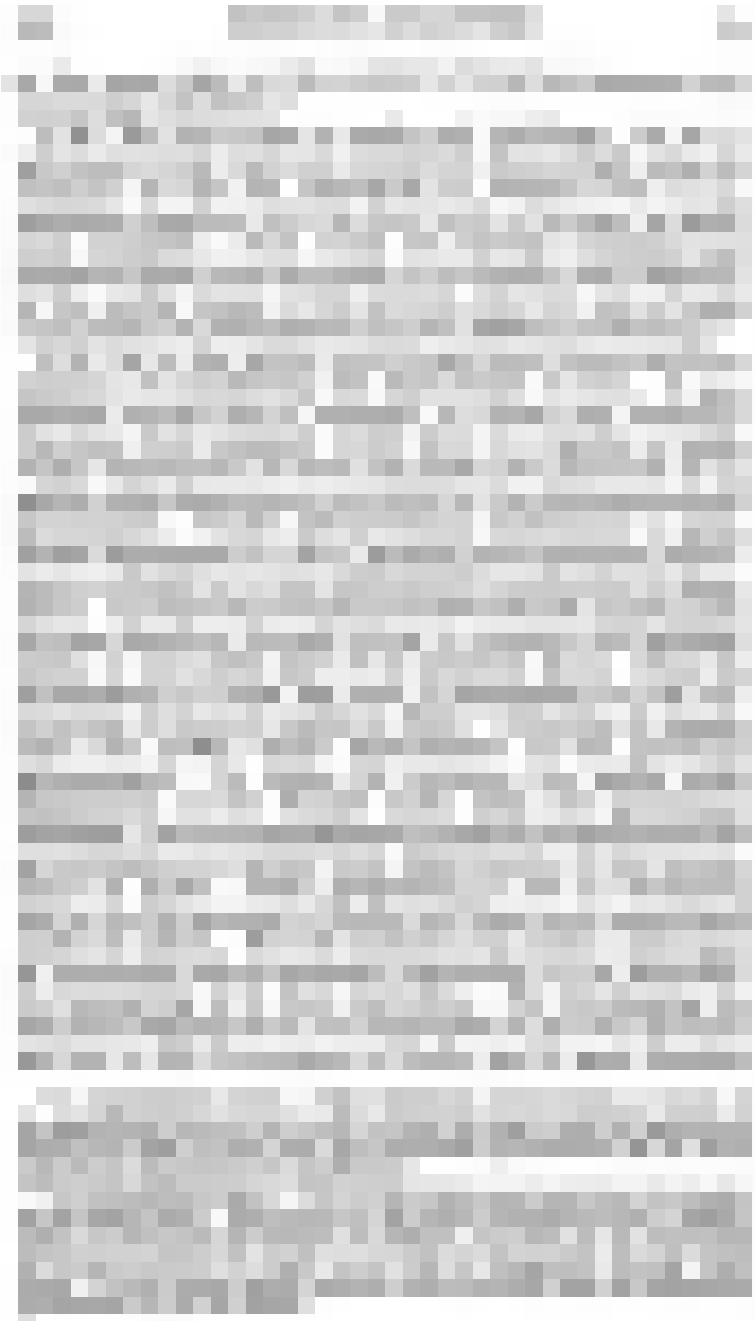
§ 50. As to the public works department there can be no question of transferring the department *en bloc*. It goes without saying that a ministry to whom any important functions were assigned would have to organize a public works department of their own from the personnel of the public works department controlled by the existing provincial government. Under self-governing institutions a public works department is, like a printing and stationery department, correlative to any administrative authority of importance. It must have a body of constructional experts under its own direction, through whom to construct its buildings, roads, or any other part of its physical plant. Even the Government of India has such a department for the construction of the new capital at Delhi. Otherwise it depends upon the public works departments of the provincial governments. At Simla, for instance, the public works department of the Punjab looks after the government buildings. Such an arrangement is possible because provincial governments are merely local departments of the Government of India. Their mainspring is not in themselves but in the Government of India, and they are in every detail under its orders. But the moment you create a real organ of provincial self-government responsible to an electorate, its mainspring is in that electorate. For discharging the functions assigned to it, it is answerable to its own electorate and not to the Government of India, and it must therefore

[1] A commissioner notes: 'The veterinary service forms a branch of the agricultural service, and it will be better to keep it with the agricultural service and take it away from the responsible government till the whole agricultural department is transferred.'

[2] A commissioner notes: 'I do not anticipate any harm from the transfer of the trunk roads. They have not the same importance from a military point of view since the advent of railways, and even if the responsible government allowed its roads to get bad, no irreparable damage would ensue. In this matter public opinion would probably keep the responsible government up to the mark.'



have a public works department of its own through which to construct and maintain the physical works assigned to its care.

§ 51. Assuming then that my critics are right, and that the first group of powers transferred to elected legislatures should include vernacular education, we are now in a position to see what other functions would have to go with it. The following may be regarded as the smallest possible family of functions with which the experiment could begin:

Vernacular education.
Medical relief.
Rural sanitation.
The veterinary service.
Roads, other than provincial trunk roads.
A public works department.
Control of all other functions already delegated to boards.
The general control of district and municipal bodies.

To these could be added at will, either to begin with, or later on, as experience proved that a fresh transfer of powers was justified, any of the provincial powers shown in § 33 of III and in § 5 of IV, that is to say—

I

Agriculture.	Local railways.
Co-operative credit.	Forests.
Industries.	Irrigation.
Museums.	Higher education.
Registration of deeds.	Famine relief.[1]
Provincial trunk roads and bridges.	

[1] A commissioner notes: 'In my opinion provincial roads and bridges should go with the other roads, and the veterinary service should remain with agriculture.

'The remaining powers fall into the following groups:

Group 1	Agriculture Co-operative credit Veterinary	Chiefly spending and administrative departments.
Group 2	Industries Museums Local railways	
Group 3	Higher education	
Group 4	Excise Stamps Registration Professions	Chiefly revenue-earning departments.
Group 5	Land revenue Land records Forests Irrigation Famine	
Group 6	Civil and criminal justice Prisons Police.'	

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§ 52. The powers transferred might differ in different provinces according to the local conditions of each. Bombay, presumably, would usually be ripe for a larger extension of self-government than the Central Provinces. The principle is perfectly elastic and in more than one direction. To begin with it would be quite possible to reserve primitive areas to the control of the old governments. In the United Provinces, for instance, the mountain districts of the north and Bandelkhand could be reserved until the elective council and their ministers had found their feet and proved their competence. Nor should it be assumed that the existing provinces are of a size suitable to self-government. Their limits have been defined in response to the accidents of history and the needs of an autocratic régime. They are, in fact, designed as satrapies, and three of them contain populations of over 40,000,000. They are larger than Prussia, Austria, Hungary, France, or Italy. Bengal equals, and the United Provinces exceeds, the population of the British Isles. New York, the most populous state of the great American Republic, contains less than 10,000,000 and the average population of the states is under 500,000. The size of the areas and populations assigned to elective provincial governments may well determine the failure or success of the earliest ventures in self-government. The map of India, as at present designed, is suitable only to a great dependency governed from England. If India is to become the home of one nation, whose peoples are masters of their house, and also of all the rooms of that great edifice, the whole map of India must be reconsidered in the light of that conception. But the problem is so large that it must form the subject of a separate study.[1]

§ 53. We may now return to the list of functions which might be assigned at the outset to elective councils and ministers. Even the minimum list of functions as outlined above would justify and require at least three portfolios. Vernacular education would have to rest in the hands of one minister, finance in those of another, while the control of local bodies in respect of hospitals, dispensaries, roads, &c., and the buildings required by the new authority would have to rest with a third.

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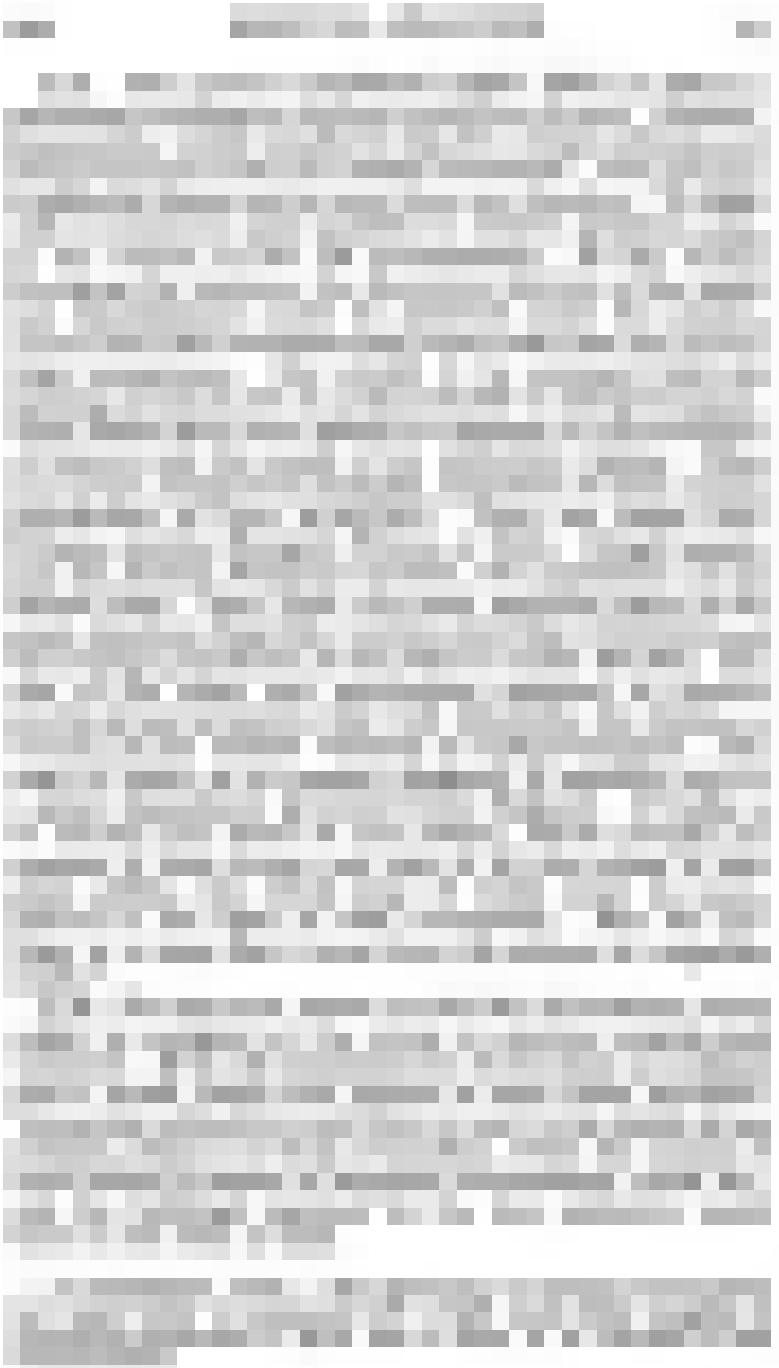
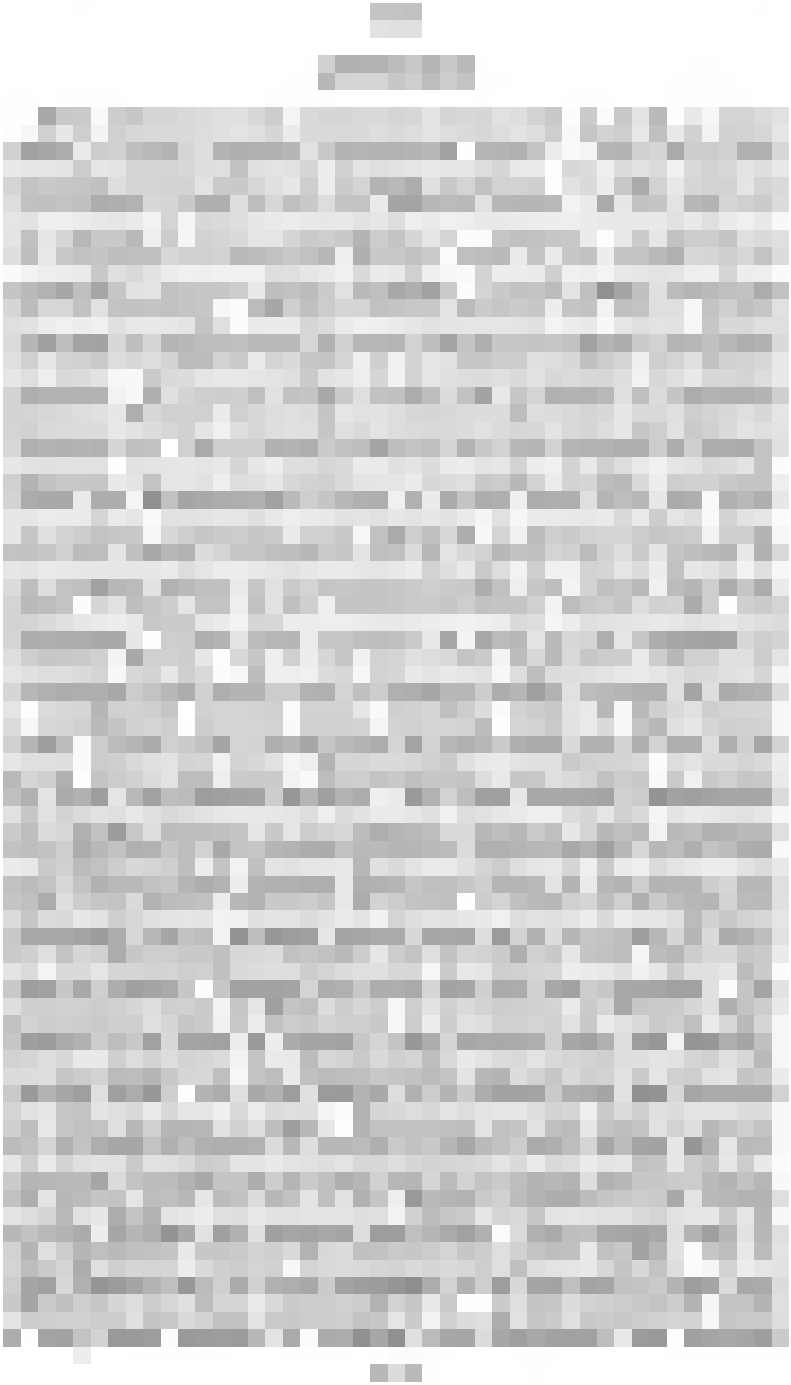


APPENDIX

With reference to the controversy dealt with in § 33, a senior officer of great linguistic attainments writes: 'You have been somewhat misled about the language question. To begin with the word Hindi is used in two very different senses. As you use it in the opening of § 33 it corresponds to "romance" in relation to the languages of south-west Europe, while in the middle of the paragraph it means a definite language. I would suggest something like the following: Whether literary Sanskrit was ever a spoken language has been doubted by some students who regard it (as indeed its name = 'polished' implies) as an artificial product for literary purposes. It is at all events certain that a number of variations known as Prakrits were used in northern India before and after the Christian era. One of these Prakrits in turn was adopted for literary purposes, but in the mouths of the people changes continued. When the Muhammadans began to invade India from the north the modern vernaculars were beginning to assume definite form. The term Hindi is sometimes used in a generic way to include all the tongues spoken in the southern Punjab, the United Provinces, Bihar, a large part of the Central Provinces, Central India, and Rajputana. These differ, however, as much as the languages of southern Europe. Up to the end of the eighteenth century the vernaculars were hardly used in literature except in poetry of which a considerable amount exists, including works of high literary value. There is not a single book of prose worth note in any of the group before that date. Muhammadans used Persian or Arabic for prose, and Hindus Sanskrit. The latest scientific classification (Sir George Grierson in the *Linguistic Survey of India*) recognizes four languages in the United Provinces—Central Pahari in the hills, and Western Hindi, Eastern Hindi, and Bihari in the plains, each with a long history which can be traced. It used to be thought that Hindostani was a mongrel speech made up in the bazars of Delhi by the Muhammadan invaders and the Indians with whom they came in contact. Inquiry has shown that this was a mistake. The grammatical basis of Hindostani is the dialect of Western Hindi spoken in the tract of country lying between Delhi and Bareilly. It was adopted by the Muhammadans and carried far and wide through India. No other dialect of the Hindi group has travelled far from its place of origin. Hindostani has been used for poetry by the Muhammadans for several hundred years, though the construction of words does not lend itself to the metres used by Hindus. Its use for prose was due to the English professors in the college at Fort William who required text-books. Once started (early in the nineteenth century) the literature has grown rapidly. Up to 1839 Persian was the court language in the province of Agra and Hindostani was then substituted for it. A rural population needs a very small number of vocables, and Hindostani was enriched



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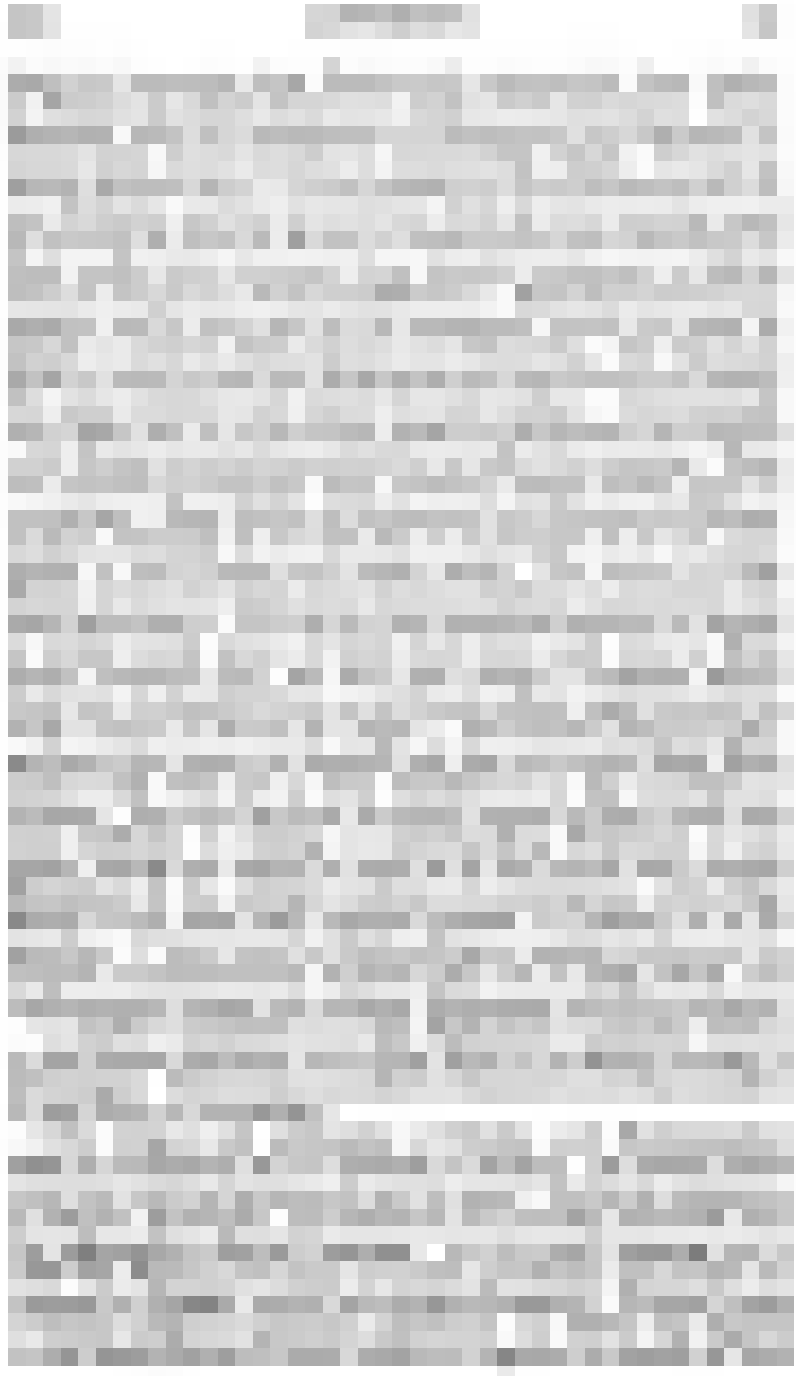
freely by borrowing from Persian and consequently from Arabic, as Persian can adopt almost any Arabic word unchanged. Simultaneously with the introduction of Hindostani the professors invented what should strictly be termed High Hindi. Of this Sir George Grierson says : " It was intended to be a Hindostani for the use of Hindus, and was derived from Urdu [a term meaning camp] by ejecting all words of Persian or Arabic birth and substituting for them words either borrowed from Sanskrit (*talsamas*) or derived from the old primary Prakrit (*tadbhavas*)." High Hindi also became popular, and is now used as the recognized vehicle for prose by people in northern India who do not write Urdu. The important point to notice is that both Hindostani and High Hindi have exactly the same accidence and almost the same syntax. Grammatically they differ only in a few minor points as Hindostani has adopted a few Persian constructions which do not affect the meaning. These two varieties of language have, however, drifted widely apart in vocabulary. Many writers of Hindostani, both Hindus and Muhammadans, especially in the first five or six decades of its use, overloaded it with Persian and Arabic words. The writers of High Hindi, on the other hand, have shown a tendency to go farther even than stated above. Not only do they substitute Sanskrit for Persian or Arabic words (some of which have been used even in Hindi poetry centuries ago), but they also change a modified Prakrit word into its Sanskrit form, as a French pedant might discard the word " royal " in favour of " régal ". The result is that an undergraduate who knows no Sanskrit and has not studied High Hindi cannot read with ease a book intended for a boy of twelve or thirteen. One who has done his school course in High Hindi finds some difficulty in reading or understanding Hindostani of any polish, though not nearly so much as in the reverse case, because Hindostani is the ordinary medium of conversation, while High Hindi is only used orally between pandits, or pedants, or in set speeches. I have heard a Hindu giving a popular lecture on the progress of mathematical students start out in High Hindi, and unconsciously relapse into ordinary Hindostani within five minutes.

' A further complication is that Hindostani is generally written in the Persian character, while High Hindi is invariably written in Devanagari. There is thus a conflict of character as well as a conflict in the choice of vocabulary.

' The religion and philosophy of Hindus and Muhammadans differ as completely as it is possible to imagine. As already noted even their metrical systems are not the same. Technical expressions in religion, philosophy, and literature are naturally borrowed from the appropriate classical language. As the court language up to 1839 was Persian, law terms are nearly all Persian and Arabic (in contrast to Bengali, which has adopted Sanskrit). Political terms of similar origin are generally understood. In 1909 I was deputed to the head-quarters of each division to explain the details of Lord



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'The important points are:

'(*a*) The two current forms of prose literature owe their origin to European influence.

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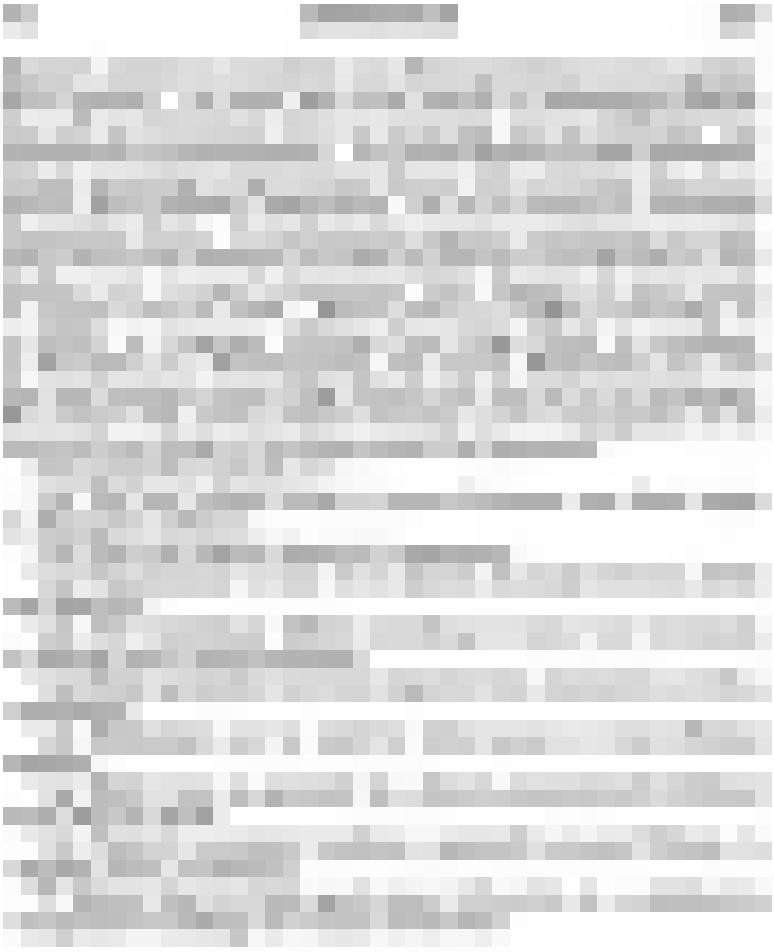

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VII

A JOINT ADDRESS

FROM EUROPEANS AND INDIANS TO HIS EXCELLENCY THE VICEROY AND GOVERNOR-GENERAL AND THE RIGHT HONOURABLE THE SECRETARY OF STATE FOR INDIA (*November 1917*).

§ 1. THE following is a record of meetings, held at Darjeeling and Calcutta, to discuss the position created by the pronouncement of August 20 on Indian Policy, by the Imperial Government:

'*The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of increasing the association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India, as an integral part of the British Empire. They have decided that substantial steps in this direction should be taken as soon as possible, and that it is of the highest importance, as a preliminary to considering what these steps should be, that there should be a free and informal exchange of opinion between those in authority at Home and in India. His Majesty's Government have accordingly decided, with His Majesty's approval, that I should accept the Viceroy's invitation to proceed to India to discuss these matters with the Viceroy and the Government of India, to consider with the Viceroy the views of Local Governments, and to receive the suggestions of representative bodies and others. I would add that progress in this policy can only be achieved by successive stages. The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be judges of the time and measure of each advance, and they must be guided by the co-operation received from those upon whom new opportunities of service will thus be conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility. Ample opportunity will be afforded for the public discussion of the proposals, which will be submitted in due course to Parliament.*'

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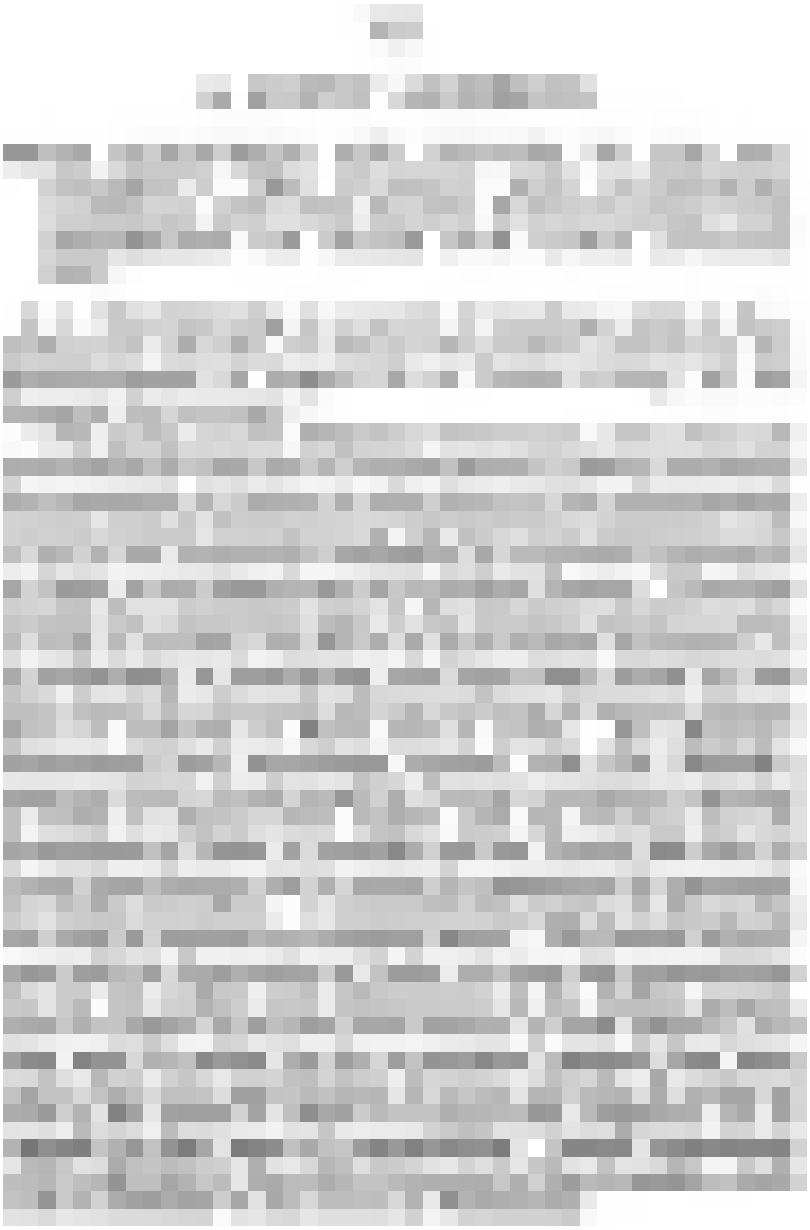

A.—Principles.

§ 2. The Imperial Government having sent the Secretary of State to India for the purpose of gathering the opinions of all sections, we feel that the members of both the communities should discuss together the advice to be offered to the Government, bearing in mind that future generations are more affected than ourselves by changes about to be made. We also think that, in times like these, anything of the nature of civil discord amongst those not called upon for active service is out of place. Our opinion is that Europeans and Indians should first agree as to the main outlines which they think the pending reforms should follow. These outlines having been settled, it will then be possible for the different sections to formulate their own views as to details, in respect of which it would be to the public advantage that the Government should have every shade of opinion before them. The agreement relates only to the points printed in black type.

§ 3. Turning then to the recent pronouncement, we note that it was issued as embodying the policy of the Imperial Government upon which the three principal parties in Great Britain are now represented. As no contrary motion has been raised in either House, it must, in accordance with all precedents, be recognized as a declaration of policy accepted unanimously by the supreme legislature of the British Commonwealth.

In view of these considerations **we agree to accept the pronouncement of August 20 as common ground, within the limits of which the discussion can take place.**

§ 4. We have next to consider the positions implied in this pronouncement. To begin with we note that for the first time in any official pronouncement the vague and ambiguous term ' self-government ' is replaced by the plain and definite words ' responsible government ', which necessarily means the creation of executives responsible to, and therefore removable at the will of, elective bodies and electorates. This principle finds no expression in the various proposals already before the public on August 20, which were all inspired by the looser conception embodied in the words ' self-government'. The pronouncement thus creates a new position, which cannot be met by the adoption of any scheme of reforms as yet submitted for public consideration.

We agree that, having accepted the pronouncement, we are not only free, but even bound to consider the new situation created thereby with open minds.

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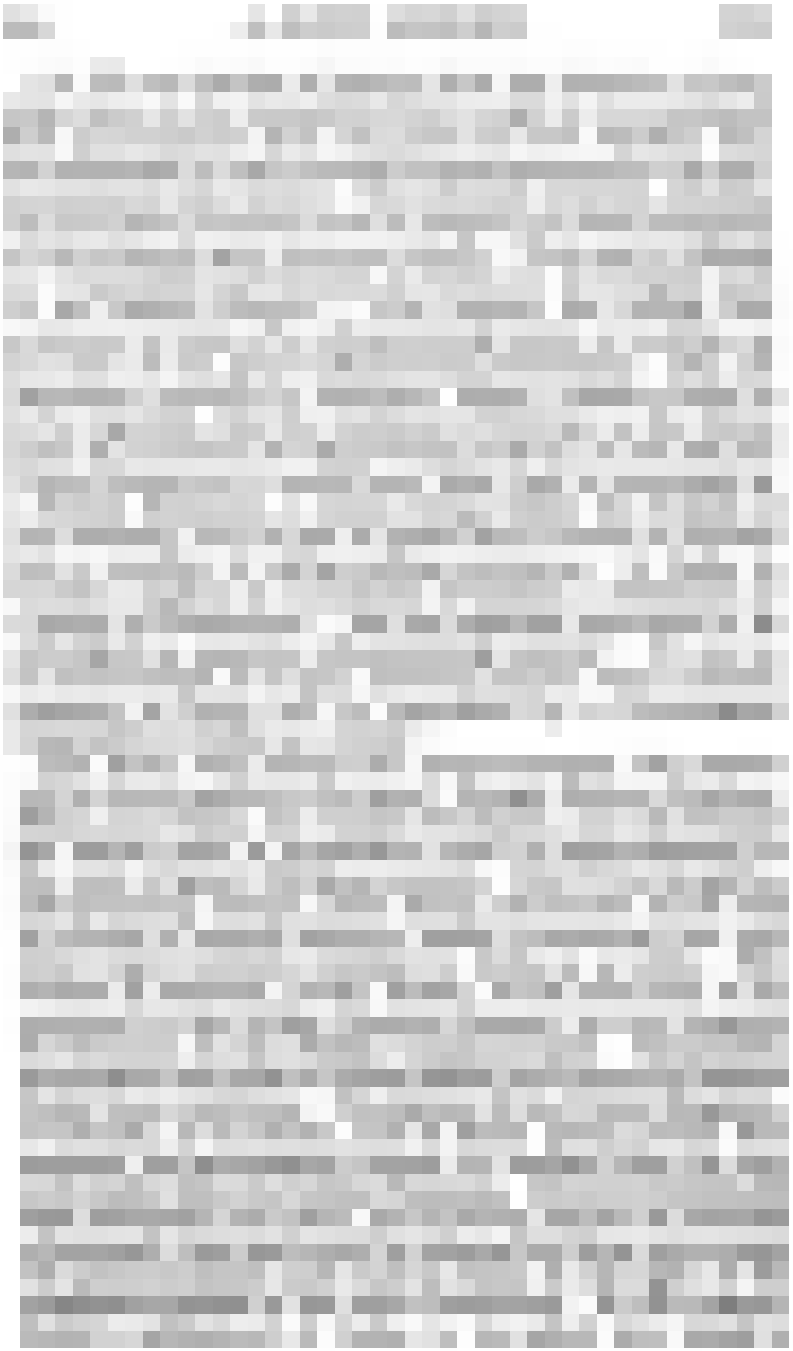
In view of these considerations **we agree to accept the pronouncement of August 20 as common ground, within the limits of which the discussion can take place.**

§ 4. We have next to consider the positions implied in this pronouncement. To begin with we note that for the first time in any official pronouncement the vague and ambiguous term ' self-government ' is replaced by the plain and definite words ' responsible government ', which necessarily means the creation of executives responsible to, and therefore removable at the will of, elective bodies and electorates. This principle finds no expression in the various proposals already before the public on August 20, which were all inspired by the looser conception embodied in the words ' self-government'. The pronouncement thus creates a new position, which cannot be met by the adoption of any scheme of reforms as yet submitted for public consideration.

We agree that, having accepted the pronouncement, we are not only free, but even bound to consider the new situation created thereby with open minds.

§ 5. We are further of opinion that the direction of any steps taken in the immediate future ought to be considered first and foremost from the point of view whether they are calculated to lead towards the goal presented in the pronouncement under review. The necessary criterion, whereby all immediate proposals must be judged, is a clear conception of the ultimate goal, however remote. That goal is defined as 'responsible government in India as an integral part of the British Empire'. This implies the calling into existence in India of a self-governing nation or nations, on the lines of the great self-governing Dominions. The all-important question is, therefore, raised, whether India is to be regarded, like the continent of Europe, as the future home of a number of self-governing nations, or else like the United States as it would have been, had it developed as a British Dominion, a nation living within the bounds of one territory, but in size so great that it must be divided into a number of self-governing provinces. Is India to become a nation or a continent of nations, a Dominion or a group of Dominions? Are the separate provinces to be developed as separate self-governing nations? Or are we to look forward to a time, however remote, when interests common to India will be controlled by a Government responsible to India as a whole?

For those who accept the pronouncement the answer will be found implicit in its terms. Bengal, Madras, Bombay, Bihar and Orissa, the United Provinces, and the Punjab are indeed units of population equal or approximating to the scale of great European powers. But, if developed as self-governing nations, their future electorates would still be unable to control railways, tariffs, commercial law, and other major interests common to India as a whole. The control of interests, purely Indian, would still have to be exercised in the future, however distant, by the Imperial Government of the British Commonwealth. Responsible government for India in Indian affairs could never be realized under these conditions. The history of the United Kingdom, of Canada, of Australia, and of South Africa proves that national self-government cannot be realized here for any unit smaller than the Indian Peninsula. However formidable that enterprise may seem, and however remote its ultimate attainment, that goal must be adopted by those who accept the pronouncement and read its terms in the light of the experience gained in the other Dominions. In the comprehensive nationhood of India, to be called into being in



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centuries to come, the individualities of the Bengalee, the Maratha, the Sikh, the Canarese, and all the other numerous races must each find their place as sub-nationalities, like those of the English, Scotch, Welsh, and Irish in the United Kingdom, and like those of the British and French in Canada. The goal to be kept in mind must, therefore, be, not the nations of Europe but rather the United States as it would have been had it developed as a self-governing dominion of the British Commonwealth. However remote the realization of this conception may be, steps to be taken in the immediate future must yet be judged by the criterion whether they tend towards that goal.

To begin with, we are bound to consider how far the existing map is in harmony with this conception.

The map of India has been designed to suit the needs of a great dependency, whose internal and domestic affairs are subject in every detail to direction from an authority on the other side of the world. A government, whose mainspring is outside the area it is governing, has no difficulty in uniting under one administrative machine, not only communities which are different in character, but separate territories. Under this system, the Imperial Government had no difficulty in incorporating Burma as a province of India. But if India is now to be governed with a view to becoming a self-governing nation, Burma, by reason of her situation, never can have a place in its national fabric. She has less in common with India than Ceylon. Her affinities with India are less than those of Finland with Russia, or of Mexico with the United States. The project of developing India as a self-governing nation can be rendered less formidable at once by eliminating Burma. It has no place in the picture. It ought to be put in the same category as Ceylon, and nothing in these suggestions should be taken as referring to Burma.

In like manner, the conception, abandoned in the recent pronouncement, has operated to divide India into a few great satrapies commensurate with the principal nations of Europe. In Bombay it has united communities so diverse as Sind, the Marathas, and the Canarese. No less artificial is the union of Bihar with Orissa. In the United Provinces more than 48,000,000 souls have been brought under the rule of a single officer, and so long as these Governments are solely amenable to a government which takes its direction from London, no difficulty is experienced. But the moment any real beginning in responsible government

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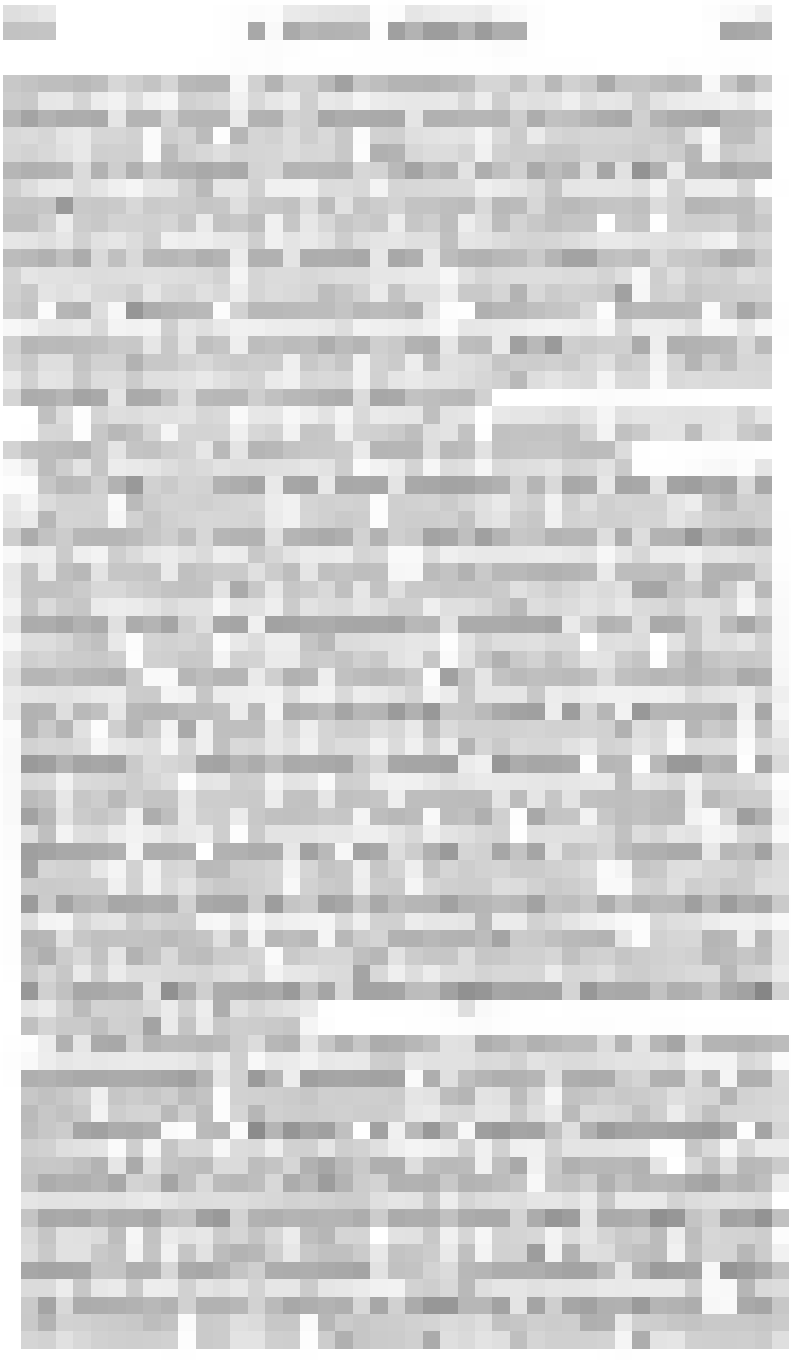
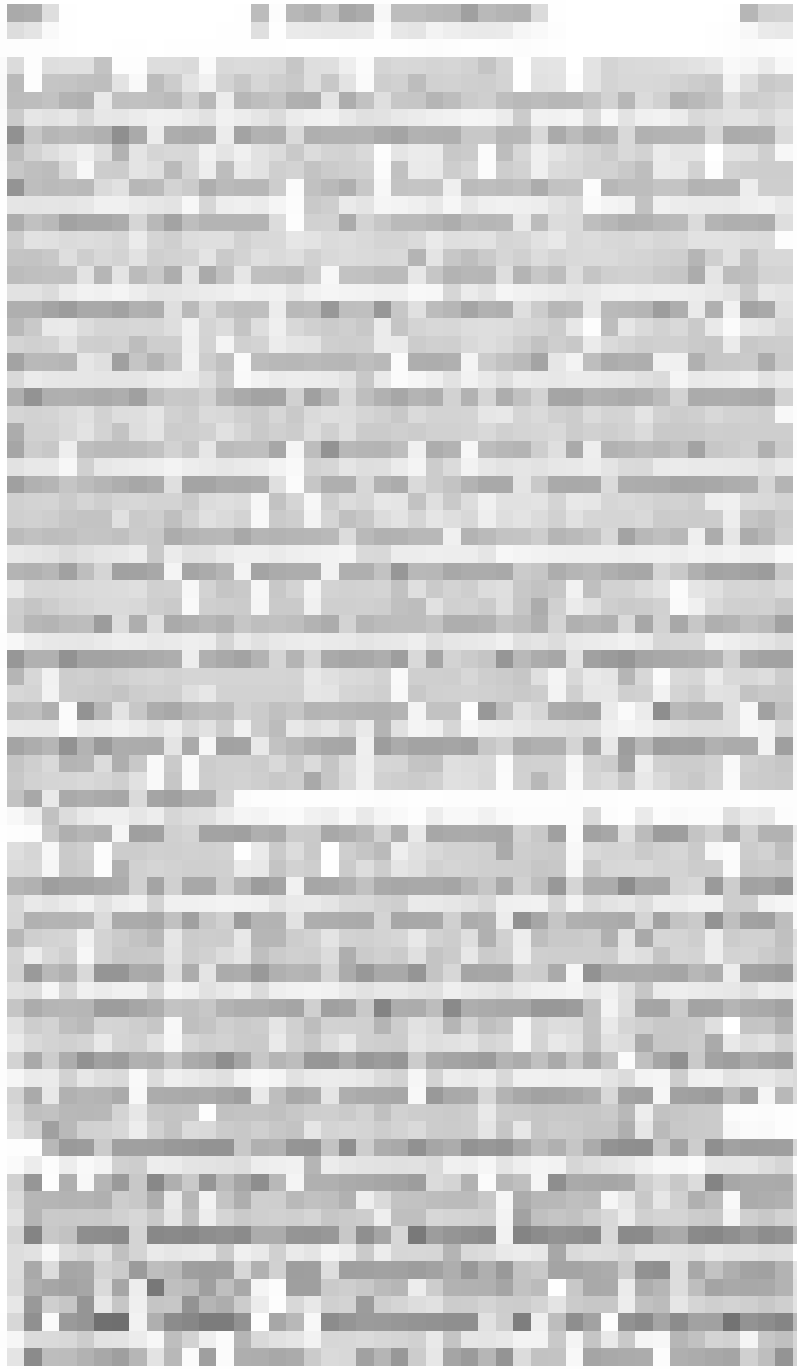


is made, and executives responsible to electorates are created, however limited the powers entrusted to them may be to begin with, such combinations will surely break down. They will fail as certainly as did the attempt to unite Ontario and Quebec under one executive responsible to a common electorate. The foundations of Canadian nationhood were only laid by according separate provincial governments to both the races, under which each race could enjoy unhampered its own language, religion, and system of law. The examples of the United States, Canada, Australia, and South Africa, as contrasted with India, China, and the dependencies of Spain and France in the eighteenth century, prove that under elective institutions provincial administration cannot be made effective for units of population the size of great nations. Had the United States attempted to develop herself on the basis of five or six provinces, each would, for administrative reasons, have been driven to subdivide itself into minor self-governing provinces commensurate in size with the existing forty-eight States. County councils or district boards cannot take the place of provincial governments, which in nations of a certain magnitude must be interposed between local authorities on the one hand and the national government on the other. Hence, the government of the United Kingdom with its population of 45,000,000 is increasingly unable to cope with their need for social reform.

Thus, had America tried to develop on the basis of five or six provinces, each with subordinate provinces, each therefore on the scale, and organized on the pattern, of great federal nations, each would have felt and acted as nations. They would have fallen apart, and the United States would have failed to achieve national unity in accordance with the demands of nature and good government. Her territory would have become the home of five or six nations, with no common control of interests common to all. Like Europe or South America, she would have become the theatre of ceaseless wars, instead of the home of internal peace.

The conclusion is that it is impossible for India to develop as a self-governing Dominion, or to achieve a genuine nationhood in the future, however distant, on the basis of a map inherited from the Mughal Empire and fashioned to suit the needs of an administration which has its mainspring in England. We agree, therefore, that the selection of areas capable of development as the self-governing provinces of a future United States of India within the



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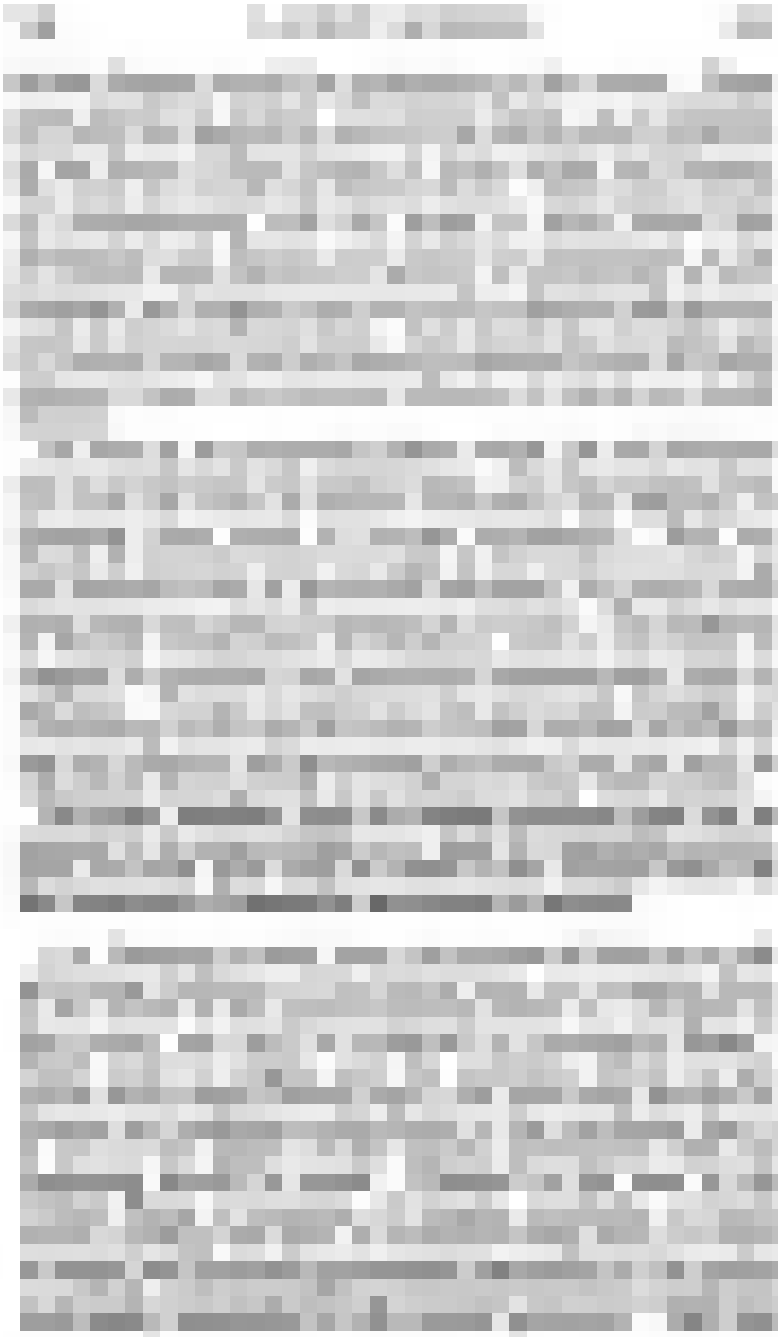
British Empire should be undertaken at the outset. These areas should be termed 'Provincial States' as a reminder that they are designed to serve as the autonomous provinces of the future United States of India within the Empire. The term also recalls the Native States. Their areas should be commensurate with the larger of those States like Hyderabad and Mysore, and should be determined, so far as possible with reference to history, to community of race, language, and religion, and above all to effective self-government on true provincial lines. Care should also be taken not to combine under one provincial government areas of totally different types, the economic interests of which are wholly distinct.

So long as an autocratic régime exists, its sub-divisions can be re-adjusted with relative ease. But the moment they are made the areas of elective authorities, the difficulty of changing them tends to become insuperable. Had the States of America been too large at the outset to serve as the ultimate areas of provincial autonomy, no power could alter them now, short of conquest or civil war. The Kingdom of Prussia overshadows all Germany, and no one dares to suggest its partition into provinces commensurate with its partners. To-day it needs but the nerve and foresight of a statesman to find and fix areas in India capable of developing into effective self-governing provinces, and yet such as will admit of her growth as a nation at unity with herself.

We agree, therefore, that the existing provinces need not be assumed to be areas suitable as a basis for responsible government, but such areas must be settled at the moment when the first instalment of responsible government is granted.

§ 6. Bearing in mind, then, the picture of India as a self-governing Dominion of the federal type, we recognize that, in the words of the pronouncement before us, 'progress in this policy can only be achieved by successive stages'. There must be stages, and the questions before us are, where those stages should begin, and what they should be. Reason and experience alike point to the conclusion that it is not in the sphere of the central government that the beginning should be made. Whether in the case of the United States of America, of Canada, Australia, or South Africa, nothing was done, or could have been done, to create a central and national government responsible to the nation as a whole, until responsible government had been completely and finally established in the several provinces. This does



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We, therefore, agree that the first steps towards responsible government cannot be taken in the sphere of the central government.

§ 7. We have next to consider the fact that administrative mechanism designed to obey an authority remote from India itself cannot, as it stands, respond to the impetus of Indian electorates. Mechanism must be adapted to the nature of the force which drives it. The whole administrative system of England would have to be revised if the control of the electorate were replaced by a centralized power exercised from without. The reverse is equally true of India. If electorates are to be given responsibilities, however limited, they must to a great extent, and to an increasing degree, operate through departments, organized on principles different from those of the present machinery. With the introduction of responsible government it is necessary, therefore, to contemplate a change, not only of areas, but also in the character of the departments through which the electorates are to operate. The existing provincial administrations cannot be moulded by a series of gradual changes into the provinces of a self-governing Dominion. Their place must gradually be taken by provincial organs of a new type. The first step must be to create new organs responsible to the electorates of suitable areas. To these specified functions, together with corresponding revenues and powers of additional taxation, must be transferred. All other functions must be reserved to the existing provincial governments, to be transferred by successive stages to the elective organs, as each may prove its capacity for assuming the additional burden.

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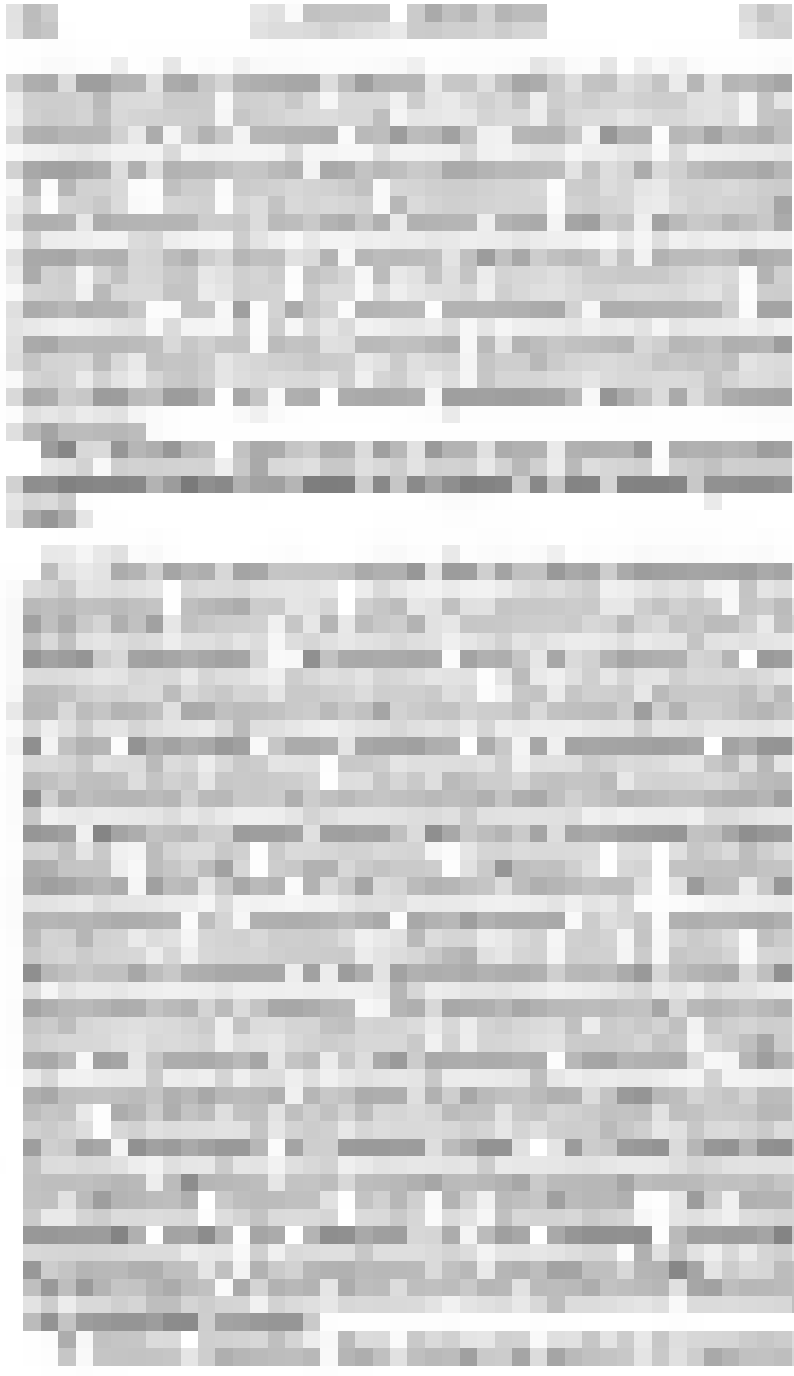

governments of two different types will have to exist side by side. No instalment of responsible government can be granted without creating executives responsible to, and therefore removable by, elective assemblies and electorates for certain functions and revenues within suitable areas. Meanwhile, the powers not yet transferred must be exercised by the existing provincial governments, which must be kept in being for that purpose, and remain responsible to, and therefore removable only by, the Government of India, the Secretary of State and finally Parliament itself. If responsible government is the goal, the only other alternative is sooner or later to transfer all powers of government at one stroke to executives removable at the will of Indian electorates. But this course is expressly barred by the terms of the pronouncement we have agreed to accept. It follows that in the transition stage governments of two different types must co-exist, the one responsible to electorates, the other to the Secretary of State. In our opinion, therefore, it is of the utmost importance to insist now that the responsibility must in either case be a real one. The responsibility of the new executives to their assemblies and electorates, however limited their functions, must be real. It must not be confused and destroyed by a network of minor restrictions and sanctions. On the other hand, the responsibility of the old governments to the Secretary of State for the functions reserved to them must be no less a real one. In discharging those functions, they can and should be exposed in every detail to the criticism and influence of Indian opinion. But in the last analysis the ultimate power of decision in respect of those functions must be reserved to the Secretary of State and his agents, until they can be transferred to the executives responsible to the electorates. And, in the words of the pronouncement, 'the British Government and the Government of India must be judges of the time and measure of each advance'.

We agree, therefore, that, during the period of transition, governments of two types must co-exist, the one responsible to electorates for specific powers, the other to the Secretary of State for all other powers, and that the responsibility of each must in fact be a real one, and their powers must be sufficient to enable them to discharge that responsibility efficiently.

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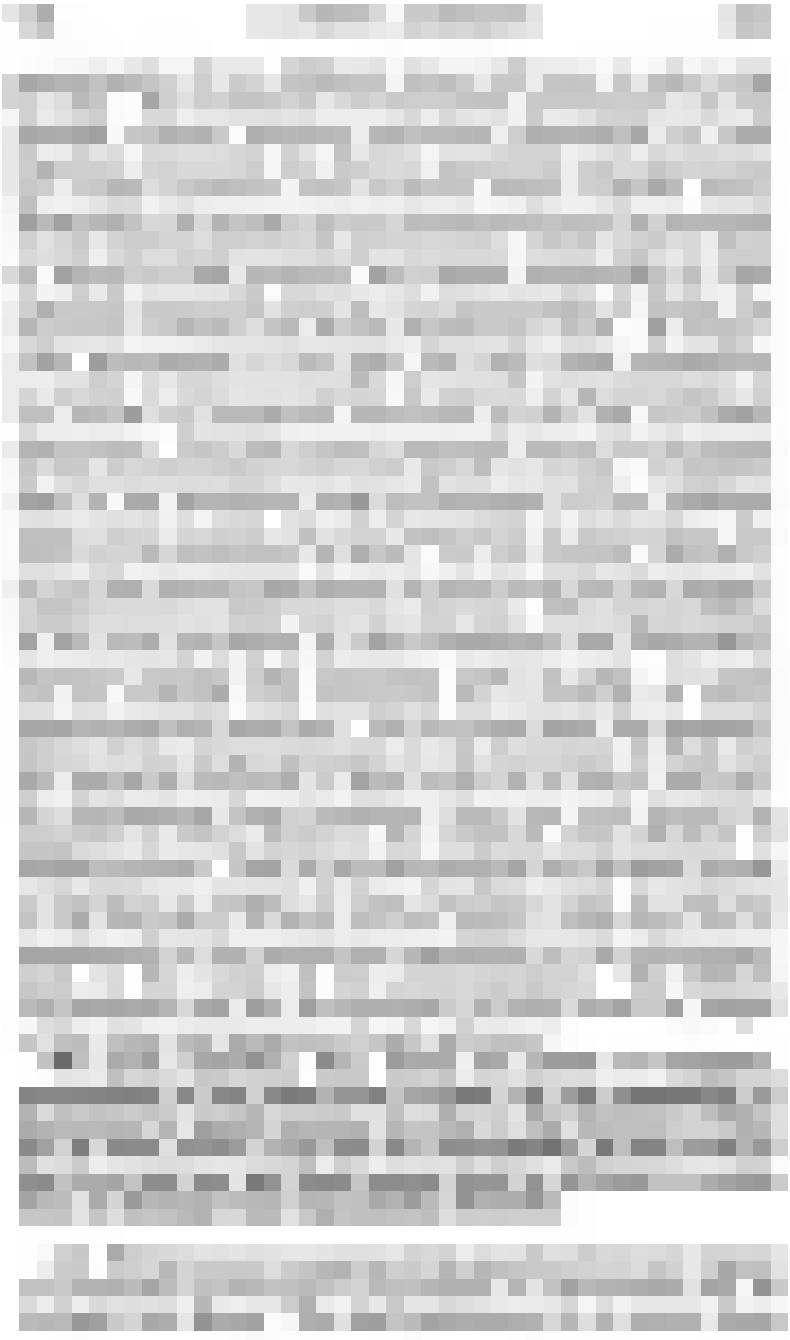
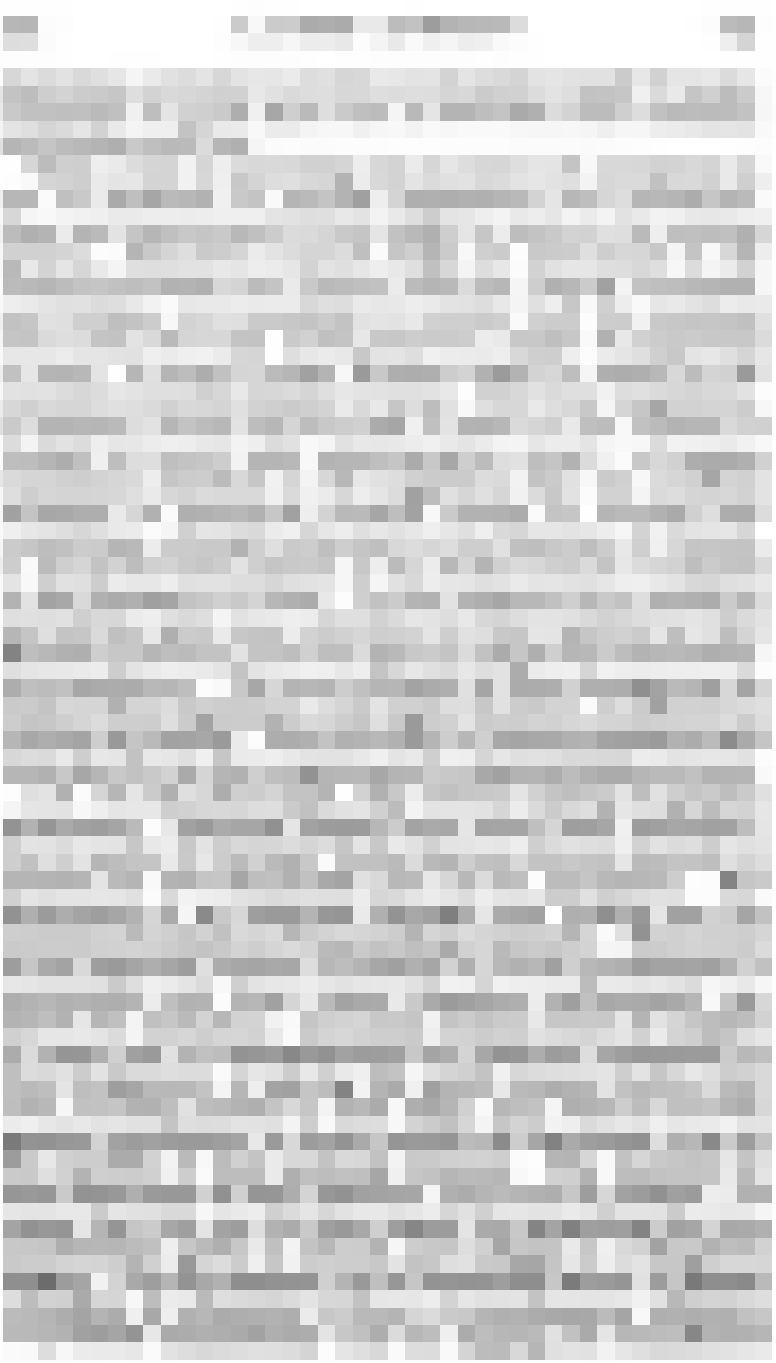


electorates, and also to provide an adequate supply of leaders competent to guide them and to translate their mandates into action and law.

With a view to providing men in some sort competent to act as members of popular legislatures and executives, there are improvements which might be made in the existing system. Executive councils might be introduced in the United Provinces, the Punjab, and the Central Provinces, and Indians, not exceeding in number half the members other than the head of the province, might be appointed to each. A second Indian Member might be added to the executive councils already in being. But these suggestions, if adopted, would add but half a dozen to the number of Indians in touch with administrative detail: of greater importance therefore is the suggestion that the unofficial members of provincial councils should be divided into committees, severally attached to the Members of Council, in much the same relation as the India Council is attached to the Secretary of State. In this capacity they would see and advise upon cases submitted to their opinion by their Member of Council, and thus gain an insight into administrative conditions. The most valuable of these changes can be made without legislation, and might, therefore, be effected as quickly as possible. They will help to prepare legislators and ministers for the first experiments in responsible government.

§ 9. On the other hand, they will do nothing to prepare electorates. Electoral figures have never been published; but in parts of Northern India they are known scarcely to exceed one two-thousandth part of the population. But electorates of an adequate strength and quality are the necessary foundation of responsible government. There must be an adequate number of citizens to whom government is answerable, and from whom, therefore, government can derive its authority; and those citizens must be capable in some sort of understanding the questions submitted to their judgement, of placing the public interest before their own, of doing justice to each other, and, what is of even greater importance, to those outside the electorate, even at the sacrifice of their personal interests. The material for such electorates is sadly deficient, and must be created. To argue that this can be done merely by extending the type of education given in schools and colleges is a dangerous fallacy. On the contrary, as all experience shows, a general extension of education without a simultaneous extension of political responsibility ends by sapping the foundations



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§ 9. On the other hand, they will do nothing to prepare electorates. Electoral figures have never been published; but in parts of Northern India they are known scarcely to exceed one two-thousandth part of the population. But electorates of an adequate strength and quality are the necessary foundation of responsible government. There must be an adequate number of citizens to whom government is answerable, and from whom, therefore, government can derive its authority; and those citizens must be capable in some sort of understanding the questions submitted to their judgement, of placing the public interest before their own, of doing justice to each other, and, what is of even greater importance, to those outside the electorate, even at the sacrifice of their personal interests. The material for such electorates is sadly deficient, and must be created. To argue that this can be done merely by extending the type of education given in schools and colleges is a dangerous fallacy. On the contrary, as all experience shows, a general extension of education without a simultaneous extension of political responsibility ends by sapping the foundations

of government. A great improvement and extension of education throughout India is urgently needed. But wisdom can only be learned from the teaching of experience itself and all that education can do is to open a people's mind, and enable them to read the lessons of experience which the exercise of responsibility alone can bring.

In order to train voters for the task of government, some responsibilities for government must be laid upon them. Until this is done, the process of political education has not been started. The gradual extension of such responsibilities must go side by side with the extension of education. Nor do we consider that this can now be limited with safety to the sphere of local government, which, of necessity, deals with administrative details only. The time is at hand when some responsibility for considering and deciding questions of principle, some political responsibility, that is to say, ought to be placed on the shoulders of electorates. Thus, while we do not think it is possible at this stage to make such changes in the Government of India, we think that the time has passed when the principle of responsible government can be limited, as it now is, to the sphere of local administration. If genuine electorates are to be called into being, some responsibilities of a provincial nature must first be laid upon them, and afterwards increased, as the electorates can be strengthened and enlarged, and can demonstrate capacity for bearing the burden. To make that burden too heavy at the outset is to jeopardize the whole project. No prudent person, for instance, would suggest that they should be made responsible for the maintenance of law and order to begin with. To do so would be risking a breakdown, which more than anything would delay progress towards complete responsible government. To begin with, the old experienced government must stand by to maintain order, and discharge those functions upon which the immediate stability of the social fabric depends. The first powers to be transferred to electorates should be those connected with social reforms, with the future building up of society, like education and local government. As soon as electorates have proved themselves capable of discharging these functions, it will be time to transfer others, the neglect of which is more quickly felt. We think, as a general proposition, that an electorate may be deemed fit for the exercise of full responsible government whenever it has been entrusted with, and has proved its competence in the control of, police and justice.

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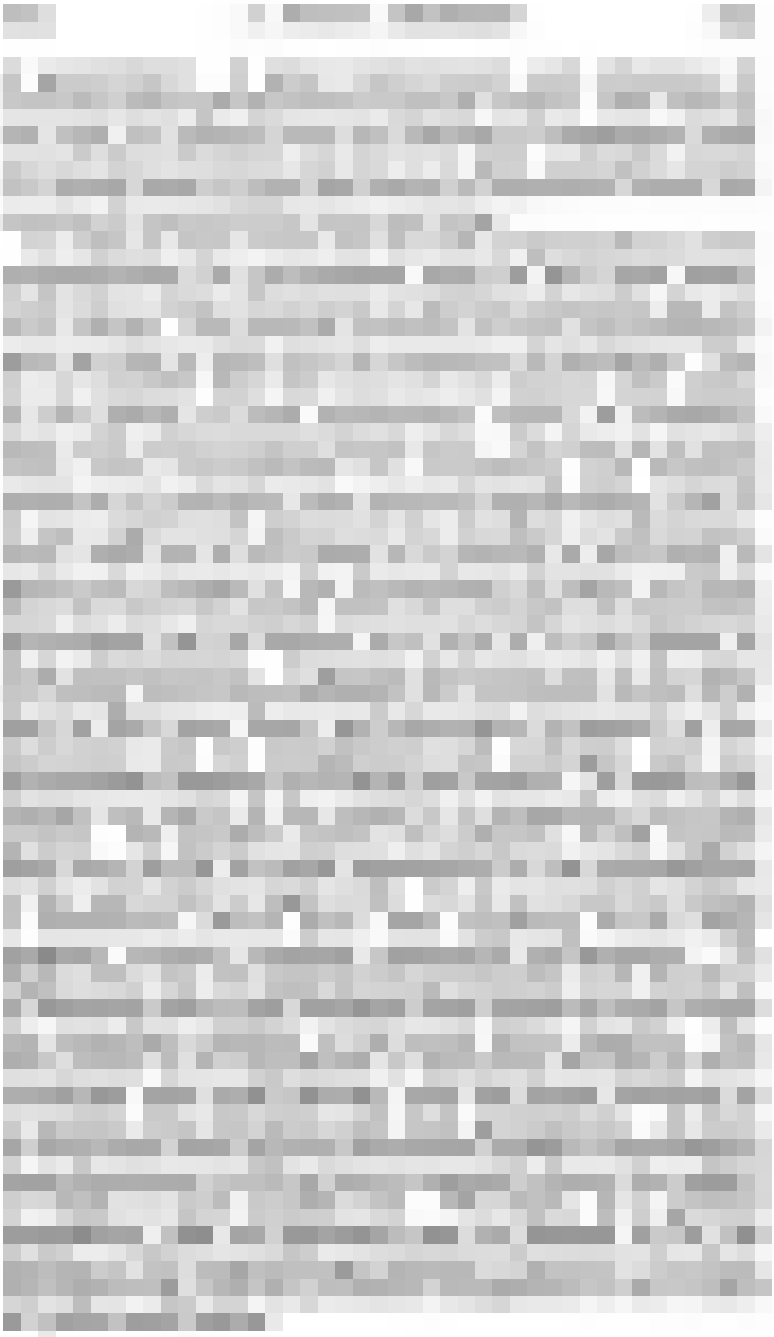

In our opinion, therefore, a beginning should be made in training electorates by making them responsible for certain provincial functions. But the training will not be effective unless the system is so simplified that electors can easily trace the effect of the votes they cast. The existing tangled and complicated system of election is destructive of all educational result so far as political responsibility is concerned. The ordinary voter cannot possibly foresee the result of his vote on the Provincial Council, still less on the Imperial body. Besides which the existing system is an incentive to corruption. If only to render corruption more difficult, the initial electorates should be as large as possible. They should include those whose pockets will be directly affected by the votes they cast, for it is thus that the connexion of cause and effect is first brought home to electors.

Above all, the method of voting must be direct. Indirect election not only destroys the educational value of the system but destroys responsibility itself. It is really a device for concealing the fact that adequate electorates do not exist, and evades the difficult truth that they cannot be made a reality without giving some responsibilities to some electorates not yet ripe for them and taking inevitable risks.

B.—*Outline of the Scheme Proposed*

§ 10. We now propose to outline a scheme of development such as we think would give effect to the principles upon which we have agreed. Having done so, we shall be in a position to suggest the special safeguards which should be accorded to industrial and commercial interests. We recognize that the scheme must be one capable of adaptation to suit the highly various conditions and levels of advancement in the different provinces of India. We shall, therefore, sketch the scheme as we think it might be applied to a particular province, taking as our example one which is not so advanced as the old Presidencies, but perhaps more so than other parts of India. For this purpose we select the United Provinces, which has the advantage of being not only central but also the largest in India.

In this Province we suggest the old Kingdom of Oudh as an area suitable to form a Provincial State in the future self-governing Dominion. Another might be formed from the divisions surrounding Benares, a third from the Doab; while those to the North-West might be grouped round Meerut. Primitive communities, like those of the hill

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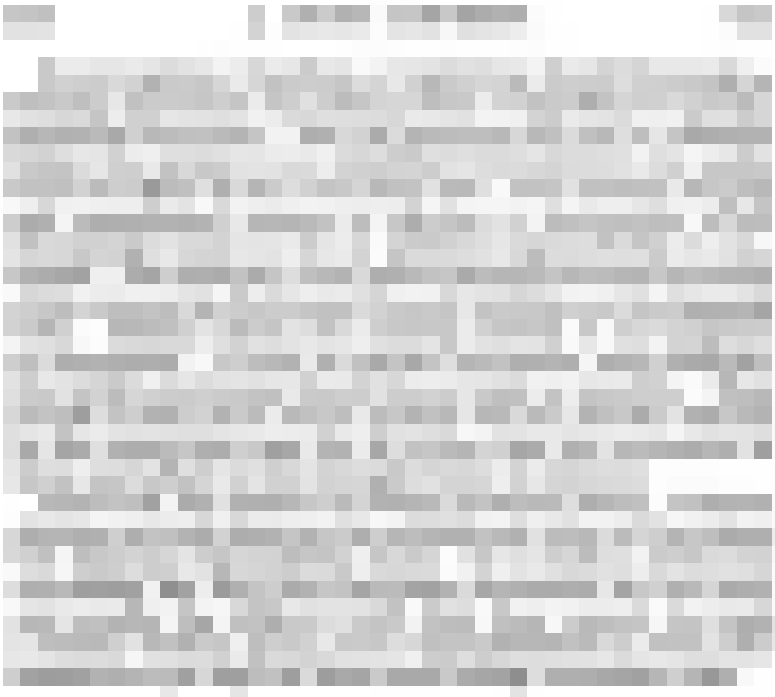

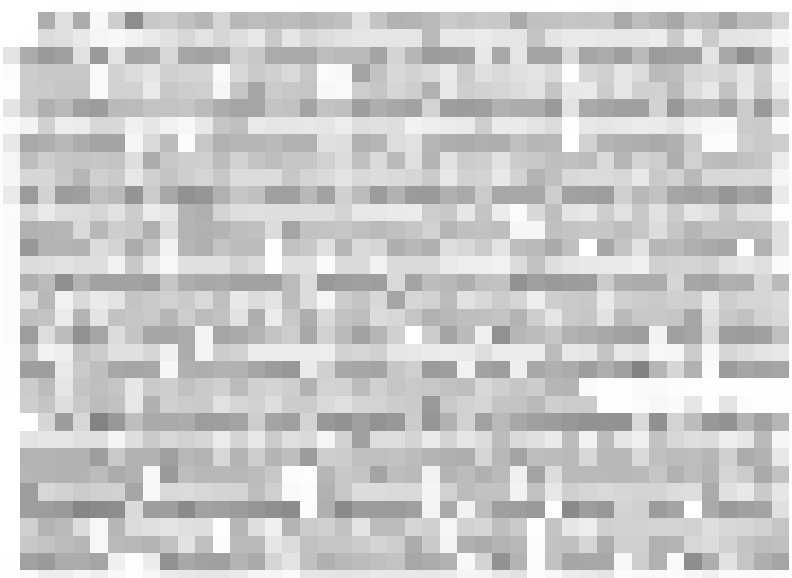

districts of Kumaon and Bundelkhand and of Mirzapur, might, to begin with, be reserved to the present government of the United Provinces. This government, subject to certain changes, which we shall outline later, would remain in being, holding and exercising all powers which had not been transferred to the four Provincial States.

§ 11. The first step would be to create the largest electorates which may be deemed possible under existing conditions, in accordance with the principles suggested above. Indian conditions are so various that these principles must be applied in harmony with the conditions of each Provincial State.

§ 12. These electorates should elect assemblies consisting of from 45 to 75 members each. To these bodies should be transferred at least the present functions of the district boards, coupled with the control now exercised by the government over those functions. In order to simplify the electoral system, as far as possible at the outset, and avoid confusing the minds of inexperienced voters by numerous elections, those of the district boards might be abolished for the present in backward provinces at any rate. The boards might be appointed by the government of the Provincial State until it sees fit to re-establish an electoral system for the districts.

The municipalities would, of course, remain as at present, but would be transferred to the control of the Provincial State. The creation of panchayats and other local authorities would also be included within its legislative powers.

§ 13. By this scheme the new governments would at once be vested with the full control throughout their areas of—

Roads and bridges | Primary education.
Local government.

To these in the United Provinces we think that agriculture, and in Bengal that higher education, should be added.

The administration of these functions would rest with a Ministry drawn from the assembly and responsible thereto. The Ministry would consist of five portfolios :

A Minister of public works.
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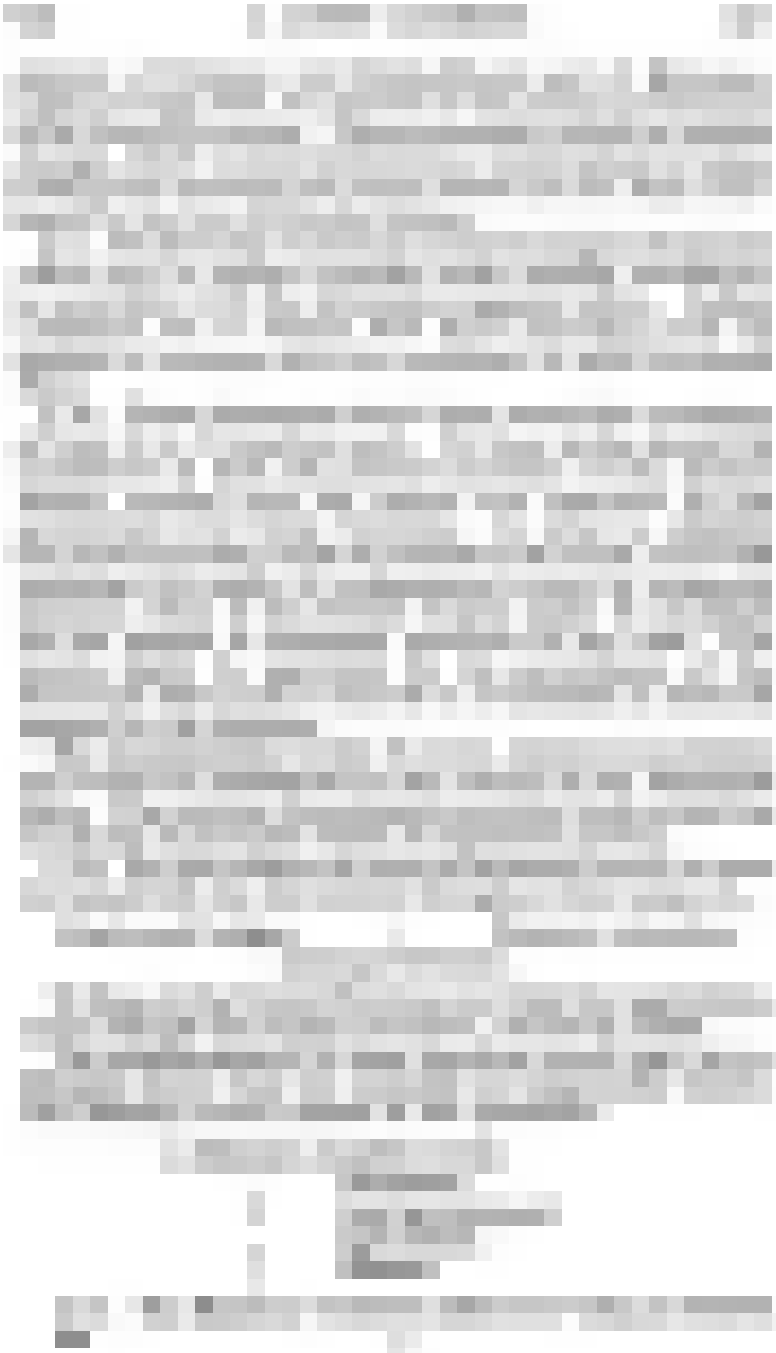

An officer, presumably the senior commissioner in each Provincial State, would be made the superior officer of the other commissioner or commissioners in that area. As Chief Commissioner he would thus control all the officers in charge of the reserved functions retained by the government of the United Provinces. He would also act as the constitutional head of the Provincial State, that is to say in the capacity of the governor of a province like Quebec or Tasmania. In that capacity he would send for the member of the newly elected assembly who, in his judgement, was best qualified to command the support of that body, and would ask him to form a Ministry.

§ 15. The Ministry, when formed, would then proceed to design departmental machinery suitable for administering the various functions under their portfolios. Their new departments would be staffed from officers taken over from the services of the United Provinces, all existing rights of officers being strictly safeguarded by law. In this operation they would be assisted, not only by the Chief Commissioner, but also by a Civil Service Commission of three, with reference to which we have more to say hereafter. Ministers would not be expected to take over their functions from the old government until the arrangements for the necessary departments were complete.

§ 16. The relations of the Chief Commissioner to his Ministers are of great importance. An undivided responsibility would rest on Ministers, so far as the functions transferred to them are concerned. They would be responsible to the assembly for their decisions, and, provided they were *intra vires*, the Chief Commissioner would have to give legal effect to those decisions by his signature. No responsibility would rest upon him in respect of the transferred powers. But before signing their decisions he would have every opportunity of giving his Ministers advice, and, if they were wise, they would avail themselves of his advice to the full. They would do so the more readily in that an undivided control of their own functions would rest with themselves. They would be responsible to the assembly, and the assembly to the electorate ; and a chain of responsibility at once simple and clear, between the elector and the administrative officer, would thus be established.

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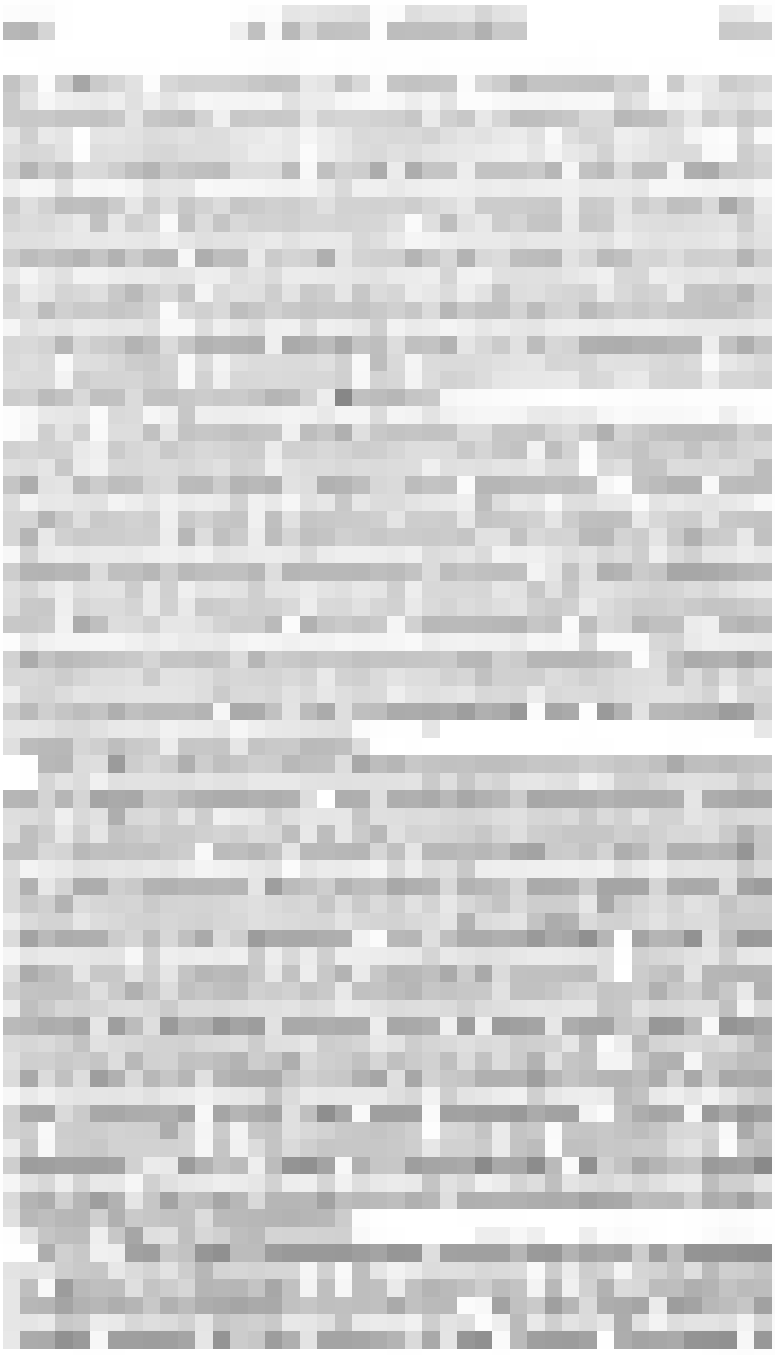

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charge of the reserved functions within the area of the Provincial State. He would thus be well situated to smooth away the causes of friction inevitable between the two authorities. In all federal systems at least two authorities must administer their different functions within the same area, and some friction always exists. Whether the system works or not, simply depends upon the efficacy of the means provided for reducing the friction and of disposing of questions at issue between the two organs of government.

§ 18. We agree that a share of the consolidated revenue of the province should be handed over to the Provincial State governments, proportionate to the cost of the functions transferred to them; in addition to which should be handed over certain specific powers of taxation, such as would fall on the Provincial State electorate itself.

This is essential to any genuine scheme of responsible government. The electors must learn from experience that, if they demand an extension of services placed under their control, the cost of the extension must also be met from their own resources. This condition is vital to their political training. The taxes imposed by them can still be collected by the existing board of revenue, as happens at present with the cesses imposed by district boards. The taxes, however, imposed by the Provincial State government should be collected from the tax-payer on separate and distinctive notes of demand so that he may clearly recognize that the charge is one imposed by his own representatives.

§ 19. The finances of the Provincial States should be subject to the same audit as those of the United Provinces itself, that is to say, of the Finance Department of the Government of India. The auditors should disallow any expenditure outside the powers of the Provincial State, and institute inquiries, when any trace of corruption is found. They should also disallow all unauthorized expenditure; but on this, and, generally, on all matters relating to financial administration, they should report direct to the Committee of Public Accounts of the State assembly.

§ 20. The government of the United Provinces might be empowered to make grants-in-aid of certain objects, subject to inspection, the payments to depend upon the Provincial State government having carried out those objects to the satisfaction of the inspectors. But otherwise checks and sanctions in detail should be studiously avoided, for two reasons. In the first place, they are the most fertile cause

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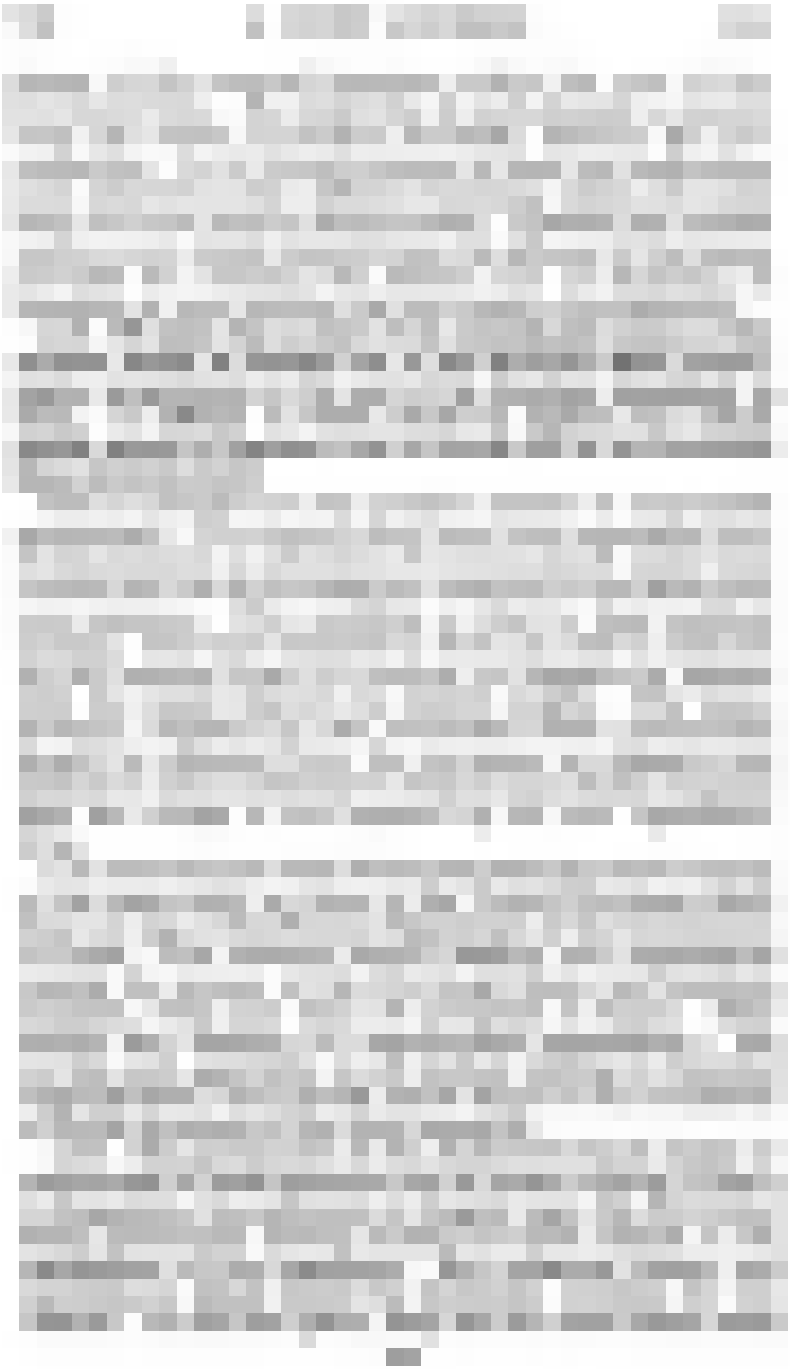
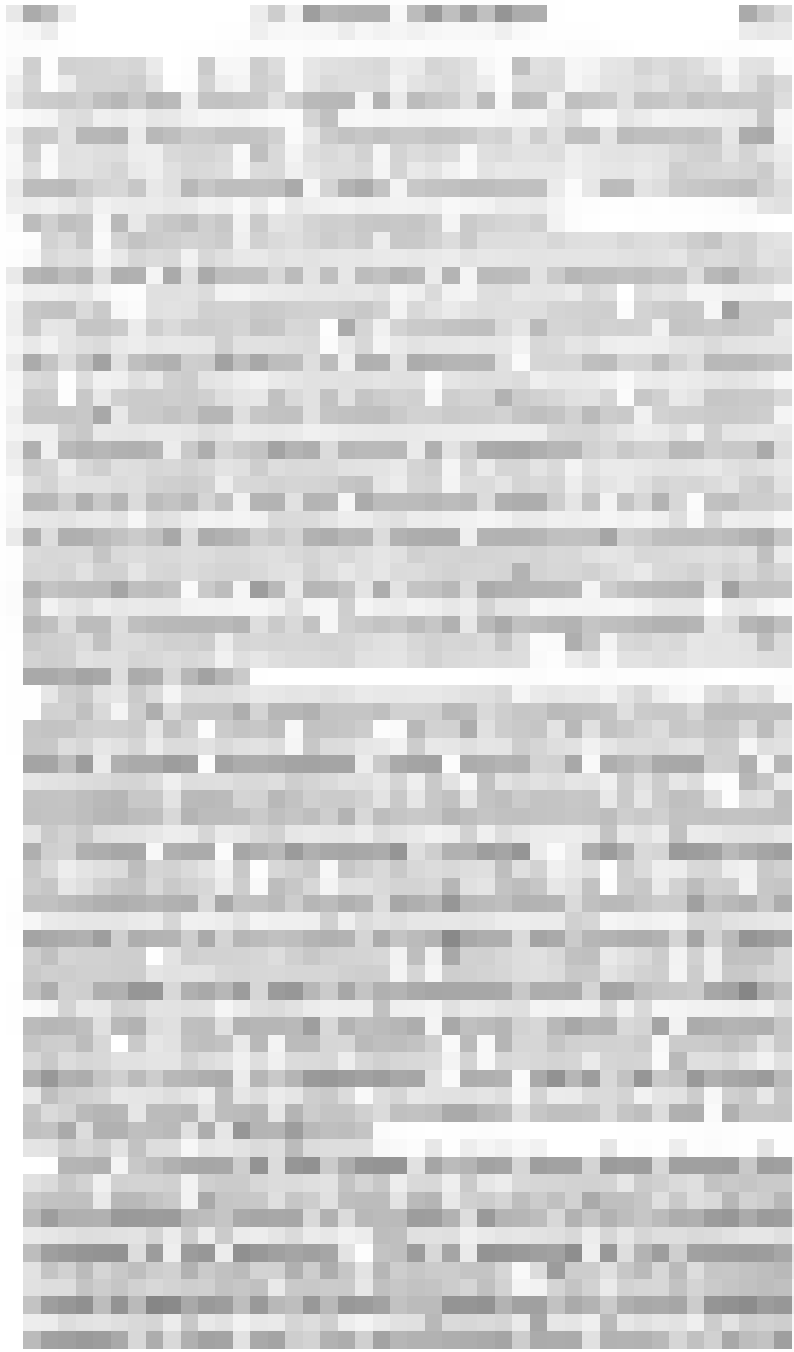


of friction. In the second place, they undermine the responsibility which ought to rest on the new governments and their electorates. The government of the province will, of course, retain the usual power of veto over legislation passed by Provincial State assemblies; and borrowing would be subject to Government control.

§ 21. Otherwise, we believe, that the one sound and effective check will be found in a power of total suspension held in reserve. If the government of a Provincial State prove its utter incompetence, the assembly should be dissolved, and the issue referred to the electors. If then the electors fail to establish a government competent to put matters straight, and their area remains a scene of neglect, corruption, or disorder, the system must be suspended for that area. The Provincial Government will be there to resume their functions and to set the Provincial State in order, just as is done in the case of Native States, continuing to administer until the time seems ripe for a fresh beginning of responsible government. In the case of civil disorders, brought about by the intolerance of a Provincial State government, there must be powers of summary suspension. We return to this subject also later.

§ 22. The initial experiment would be started for a definite period of, say, seven years. At the end of that period the whole system throughout India would be reviewed by a commission reporting direct to the Secretary of State. The commission should include men who had served as governors of Crown and self-governing colonies. After examining the conditions of each Provincial State on the spot, the commissioners would report whether fresh powers should be granted such as the control of irrigation and forests, of higher education, of local railways, of famine relief, and so forth. Or it might report that the government had done so indifferently that the existing powers should merely be renewed. Lastly, in cases of total failure, it should have powers to report in favour of suspension; but, before the Secretary of State takes final action, the papers should be laid before both Houses of Parliament.

§ 23. It must, at the outset, be laid down that during the seven years' period no claim can be entertained for further administrative powers or a further share of the consolidated revenue of the province. This is essential in the interests of the new electoral bodies themselves. Their whole energies must be reserved for the task of justifying the powers already assigned to them and thus establishing their claim to further



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We agree that in the intervening periods no demand for further executive powers or for a further share of existing revenues should be entertained.

§ 24. This does not apply, however, to legislative powers. Again we are keeping in mind the picture of India, as she will be when constitutional finality is attained, and all matters, domestic to India, are subject either to her Provincial State assemblies, or to an Indian parliament. In the work of framing the final constitution, the task of apportioning the legislative powers between the national government on the one hand and those of the Provincial States on the other, will be difficult indeed, unless, during the period of transition, the problem has been worked out and solved by the test of experience. To this end we suggest that Provincial State assemblies shall be encouraged to petition the provincial governments, from time to time, for legislative powers they desire to exercise. The petition would be cast into the form of an enabling Bill submitted to the legislative council of the province. The Bill, after first and second reading, would be referred to a committee upon which the provincial government would appoint a majority of members. The procedure of the committee would be exactly that of a standing committee of Parliament appointed to deal with Bills promoted by local authorities. Counsel would be heard on behalf of the promoters, and of all interests affected by the Bill. The preamble would have to be proved. The clauses would then be considered, passed, negatived, or amended; and evidence for or against the contentions of those promoting the Bill would be heard. The enabling Bill, if passed into an Act, would then define with accuracy the limits within which the Provincial State assembly could legislate on the subject.

§ 25. The same method is applicable to new sources of revenue. A Provincial State government might desire to increase its revenues by a stamp on patent medicines sold within its area. It would then be open to it to embody the

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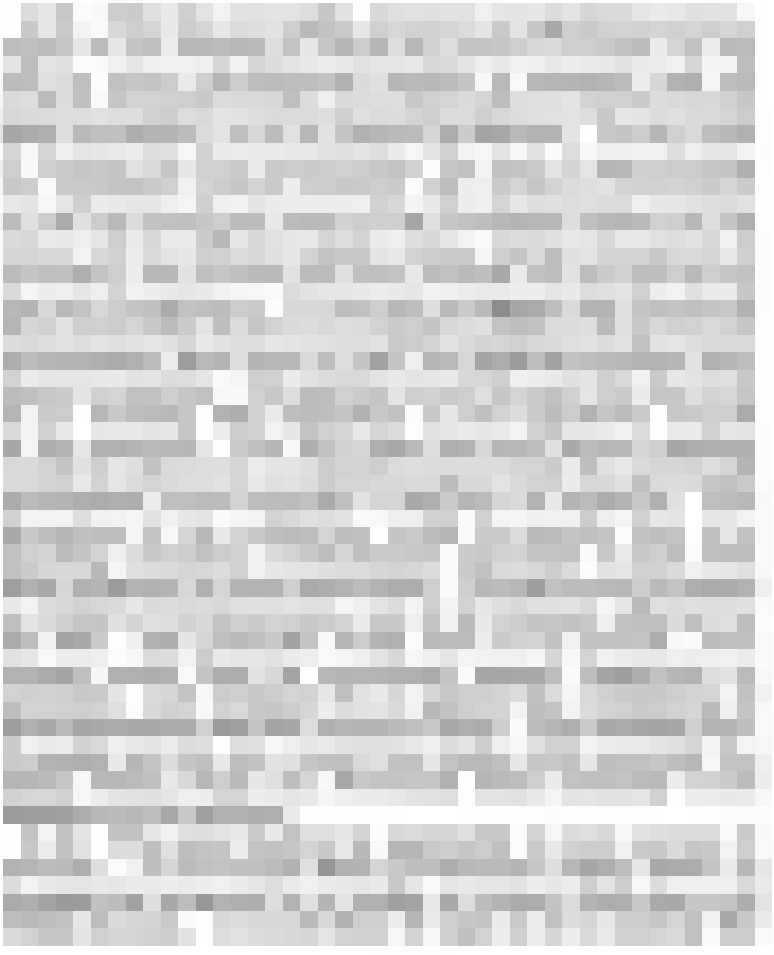
§ 25. The same method is applicable to new sources of revenue. A Provincial State government might desire to increase its revenues by a stamp on patent medicines sold within its area. It would then be open to it to embody the

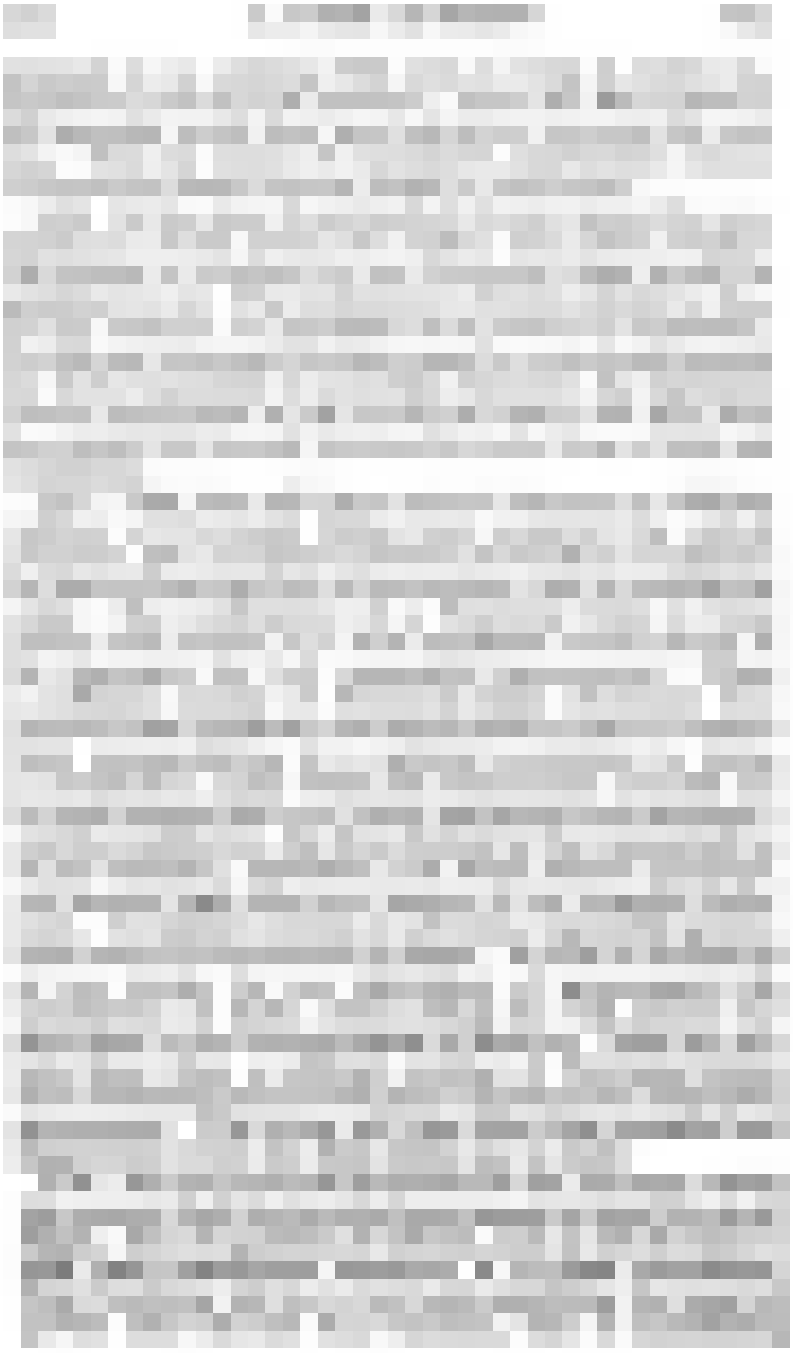


proposal in an enabling Bill, and to bring it before the legislative council of the province. Under the Bill, if passed, its assembly would then pass legislation imposing the new tax. Thus by means of experiment, appropriate sources of Provincial State revenue would be discovered.

§ 26. At the close of each period of seven years, the commissioners would review the results, and advise whether the powers so obtained by one Provincial State should be extended to all. The Government of India should be free, at any moment, to generalize such powers by legislation. In this way, whenever the time comes to create a government for India responsible to an Indian electorate, the legislative powers appropriate to the Provincial States will have been ascertained by the only trustworthy tests, those of trial and experience.

§ 27. That time will have arrived whenever a sufficient number of Provincial States have acquired the control of justice, jails, and police and have proved their competence for the fundamental task of government, that of maintaining order. The confirmation of a Provincial State in those powers will amount to a final certificate of the fitness of its electorate for full responsible government. When a sufficient number of Provincial State electorates have acquired that certificate, the time will have come to summon their representatives to a national convention to devise a constitution, under which the Government of India can be made responsible to an Indian parliament and electorate; and the constitution, like those framed by the representatives of the Canadian, Australian, and South African provinces, will acquire legal effect as a statute of the Imperial Parliament. In matters common to all India, responsible government cannot be introduced by stages. It must be introduced at one stroke, by one instrument of government—the constitution of India, under which she will assume her final place in the Commonwealth of Nations. That can only take place when a sufficient number of Provincial States have established and proved their competence for responsible government. The stones will then have been quarried and shaped from which the final edifice can be built.

§ 28. The old provincial governments will, of course, vanish the moment their final powers have passed to their Provincial States. But the question of reforms, such as will fit them to fulfil their transitional functions, is of great importance. Their functions will be to hold and administer the reserved powers until the last final function, that of maintaining



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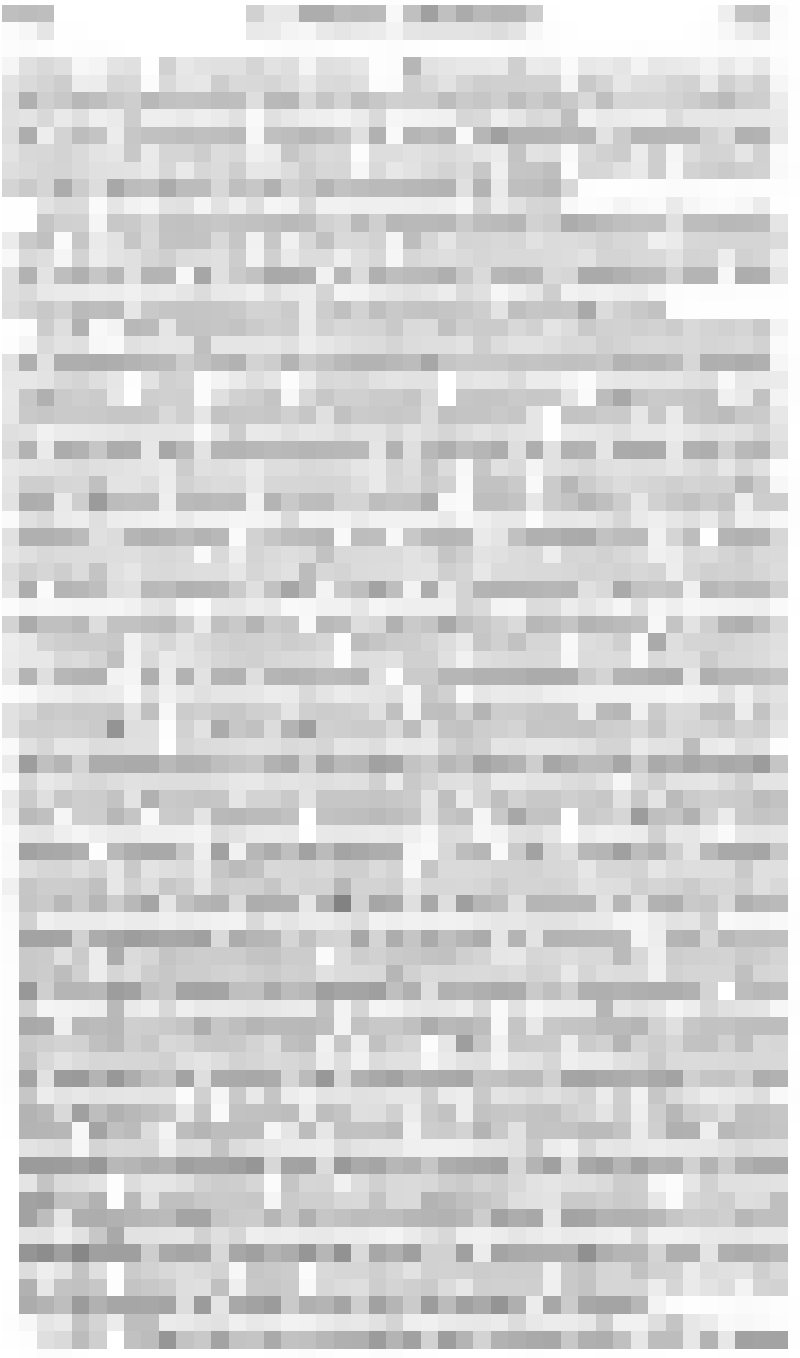
order, can be handed over. But another and even more important function will be that of supervising the acquisition by the Provincial States of new legislative powers and sources of revenue, which, of course, they will do subject to the direction of the Government of India.

§ 29. As stated already, we assume that Executive Councils will be established in all but the minor provinces, one half of which will be Indian, a majority being retained for the European members by the governor's casting vote.

§ 30. The legislative councils should be composed mainly of delegations from the assemblies of the Provincial States, together with some additional members appointed by government to represent special interests. There is nothing to prevent the introduction of officials at any time who are required to discuss matters within their expert knowledge. But official voters should vanish. The existing system of official members voting by order, irrespective of their personal views, is derogatory to their own position, wasteful of their valuable time, fatal to principles which should govern public debate, and eminently calculated to create a feeling of antagonism between Indians and Europeans as such. It is also insincere. If government cannot accept a motion of whatever kind, let the governor say so, and let that suffice. A final difference of opinion between the government responsible to the Secretary of State and the spokesmen of public opinion is not mended by the practice of annulling the votes of elected members by those of officials cast under orders of government. Let the councils consist entirely of non-official members, the members of the executive council and such other officials as they choose to bring with them appearing only for the purposes of debate. Let every detail of administration, of legislation, and of the estimates be brought before the legislative council for discussion. Let the work of government be exposed to unofficial criticism and influence from end to end. The onus of final decision in matters for which the executives are responsible to the Government of India and to the Secretary of State rests with them, subject, of course, to the provision that those superior authorities can always reverse the decision of their agents, on petition from the legislative councils. Just as the responsibility of the Provincial State Ministers to their assemblies and electorates must be unhampered and clear, so also must be that of the provincial executives to the Government of India and the Secretary of State.

§ 31. That the two principles are inseparable will be seen



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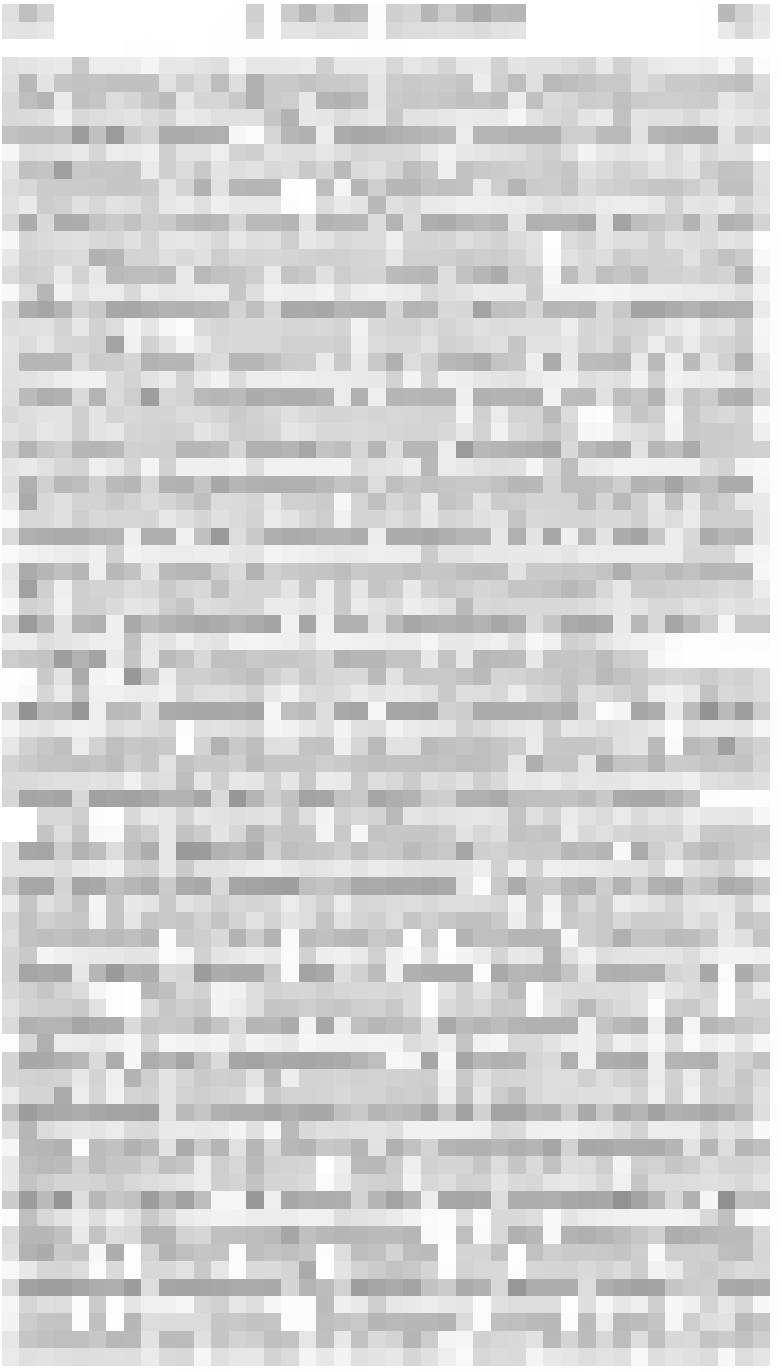
by reference to the procedure whereby the legislative councils will deal with enabling Bills promoted by governments of Provincial States. The legislative councils will consist of delegations from Provincial State assemblies, one of which is promoting the Bill. A legislative council so formed will be likely to voice every kind of opinion which may be held with regard to the new powers demanded. On second reading, on report stage, and on third reading, as well as in the select committee, its members will have every opportunity for doing so. Government will thus have access to every phase of public opinion on the subject, as well as to the views of the Government of India, which will hold a brief for the future federal Government of India. But clearly the power of final decision on any disputed point could not be left with the spokesmen of the Provincial State assemblies. The system will not work, unless the responsibility of either authority for the functions assigned to it is real; which cannot be, unless its power is equivalent to its responsibility. The most important of all the responsibilities reserved to the old governments in the transitional stage is that 'of judging of the time and measure of each advance'.

§ 32. We consider that the Imperial Legislative Council should be reformed on the same principles. The official votes should vanish and the members should be largely recruited by proportional representation from the Provincial State assemblies and other public bodies as at present.

§ 33. As the transfer of officers is likely to prove more delicate and difficult than the transfer of powers, the subject has been left for separate treatment. Our view is that there should be attached to the Government of India and to the government of each province a standing commission of three senior officers, one of whom should always be an Indian. These commissioners should inspect and be cognizant of the work of every department, and of every officer in those departments. It should be their duty to bring to the notice of government all cases of over or under employment, of overlapping and of all defects in organization. They would serve in fact as the consulting engineers of the administrative machine. They would have no powers but those of report. It would rest with governments to give effect to their recommendations. A vast human machine, which is always being changed and increased, requires continuous inspection by experts who stand outside it and view it as a whole. Government which is part of the mechanism has no time to do this; and, without the advice



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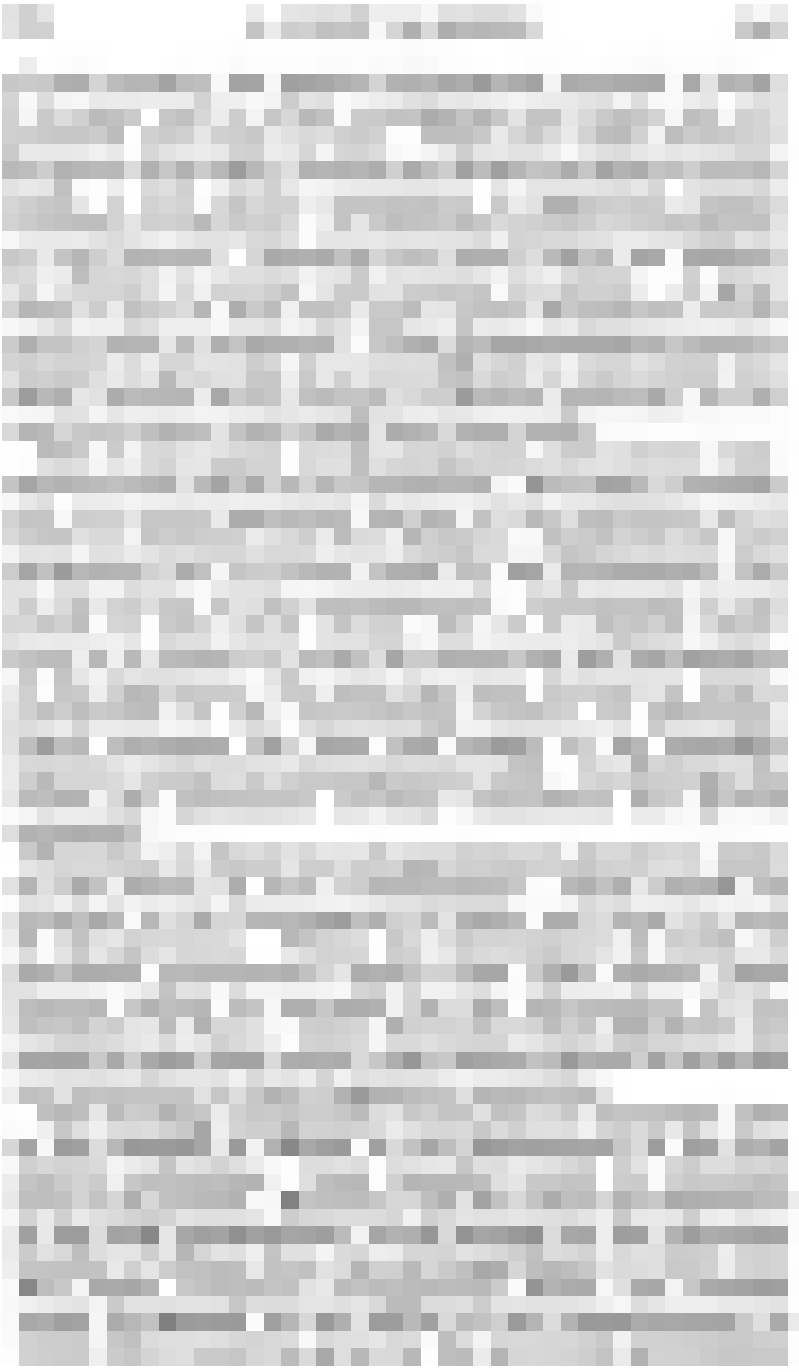
of such experts, the gradual adjustments required to keep it in gear, and to avoid overlapping and waste, are not perceived and made in time. When the whole structure has grown thoroughly obsolete and clearly unsuited to public needs, a civil service commission is appointed, largely consisting of amateurs. An elaborate inquiry is undertaken at vast expense. Questions are asked which are difficult for officials to answer with honesty in public. A great strain is put on their time and a great disturbance of the public mind is occasioned. Their recommendations involve changes so great that it is very difficult to carry them into effect, whereas those changes, if effected gradually, as the need had arisen, could easily have been made.

This is one aspect of the permanent civil service commission which exists in the Dominions. But there is another and even more important feature of the institution as it exists in Australia and New Zealand. Appointments and promotions are, of course, made by the government, but on the advice of the commissioners. Government is not bound to take their advice, but if it departs therefrom, it is bound to record its reasons for the information of the legislature. The plan has been devised to relieve government of the demoralizing burden of patronage, which consumes the time and energy of its members urgently needed for administrative work. In effecting this object, the permanent advisory commission has proved successful.

In India, we think that all appointments should be made on the advice of such commissioners. Three should be attached to the Government of India, and three to each of the provinces. Where the Government of India or provincial governments depart from their advice, their reasons should be recorded for the information of the Secretary of State; where Provincial State Ministers are unable to take their advice, their reasons should be recorded and submitted to their Legislative assemblies.

The standing commissions would play an important part in the transfer of officers to the departments of the new elective authorities. Such transfers would be voluntary so far as is possible. Ministers, with the advice and assistance of the chief commissioner, would arrange for the voluntary transfer of officers from the old departments to their own. But where voluntary arrangements failed, the transfer would be effected on the advice of the commissioners, to which effect would be given by the provincial government,



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subject to the conditions specified above. The organization of the new departments would also proceed subject to the expert advice of the commissioners.

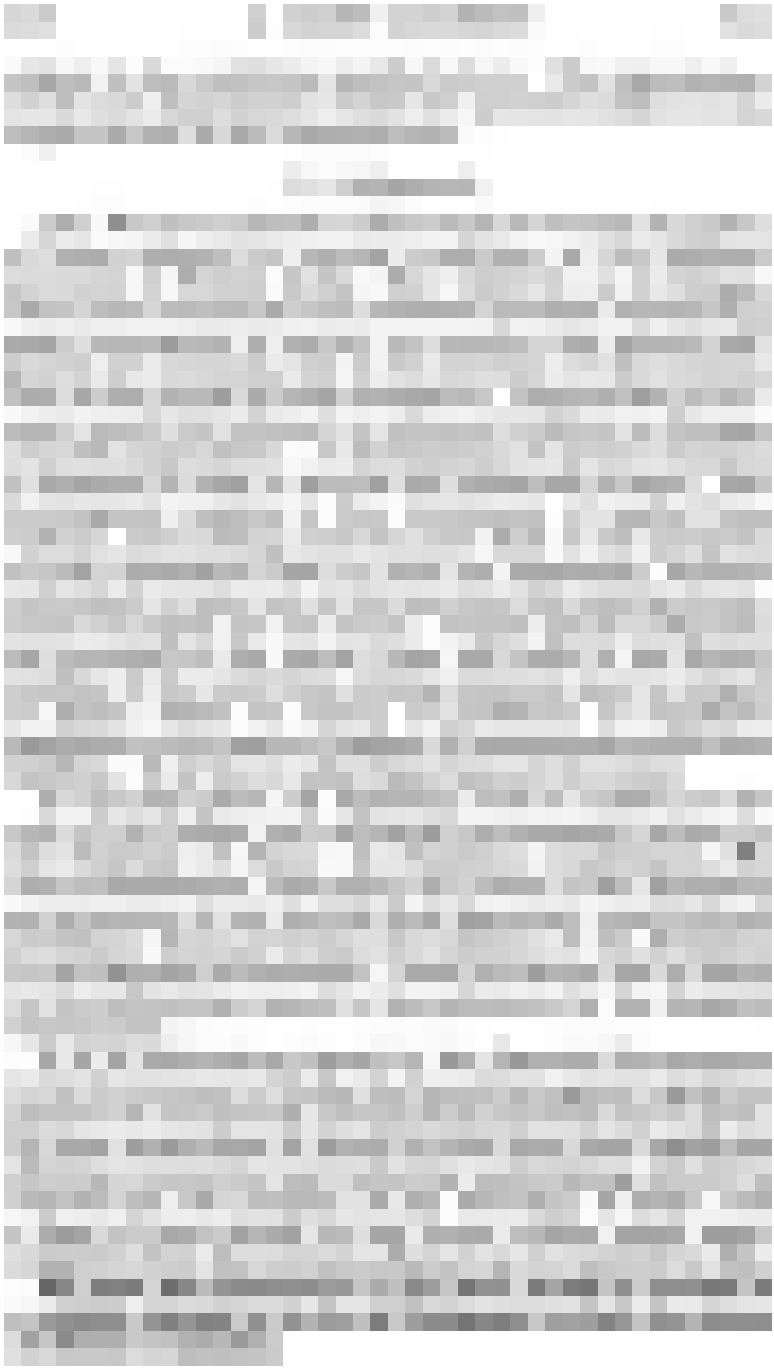
C.—*Safeguards.*

§ 34. We have outlined a scheme such as we think is capable of being adapted to varying conditions in the different provinces of British India. But wherever, as in Bengal, there exist commercial and industrial interests representing great investments of capital, we consider that special safeguards are necessary, less in the interests of the investors than of the people of India themselves. Responsible government cannot be initiated or advanced without an increase of public expenditure. A development of natural resources is essential in order to provide the additional revenue. But development requires a free investment of capital from without, and nothing could be more fatal to the prospects of such investment than to allow an impression, however unfounded, to take root at this juncture that existing investments of capital are not secure. Unless special safeguards are provided at the outset, fears will exist in the money markets of the world that existing interests may be subject to injury, either by reason of predatory or regulative legislation, or by reason of neglect of transportation and other facilities. It is wise to allay these fears at the outset.

In the first place, all legislation will be subject to the veto of the Indian and provincial governments subject to the Secretary of State. In Dominion constitutions, the Acts of Parliament, embodying the powers of the Dominion governments, do not include most important constitutional provisions, those governing the relations of the Dominion to the Imperial Government. Such provisions will be found in the instructions issued to the governors by the Imperial Government.

It is in instructions issued by the Imperial Government to the Government of India, that securities against legislation injurious to commercial and industrial interests can be given. In these instructions it should be laid down that legislation affecting commercial and industrial undertakings should be reserved for the sanction of the Secretary of State, and a limit of time should be laid down, within which representatives from the interests affected can be received by him.

We agree that instructions to this effect should be included in a schedule attached to the Act of Parliament in which the scheme of reforms is embodied.



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§ 35. This will not, however, allay the fears of those who have invested their capital in plantations and other industrial undertakings scattered about the country, lest the value of their property may be ruined by neglect of transportation facilities, of protection from flood, water-supply, and of other public utilities.

Where damage to industrial interests from such neglect can be proved, the provincial government should have power to step in, and do the necessary work at the cost of the Provincial State government in default. Throughout the period of transition the provincial government responsible to the Secretary of State will be in existence and in a position to provide the necessary remedy. That government will vanish only when the Provincial State governments within its jurisdiction have finally proved their capacity for efficient administration. The final certificate of efficiency would not be given to a Provincial State government, so long as it showed a tendency to neglect public utilities upon which the value of capital invested on productive undertakings in their area depends.

We agree that the provincial governments responsible to the Government of India and the Secretary of State shall have power to do or repair public works, upon which the value of invested capital depends, neglect of which is due to the default of Provincial State governments, and to charge the cost thereof to the revenues assigned to the government in default.

§ 36. In this connexion we return to the final remedy of recalling powers and of total suspension. It is, however, mainly with a view to the progress of responsible government itself, that we urge that these safeguards should be made real. If India is to move as quickly as possible towards the goal of complete responsible government, each part of India must, in the stage of transition, be enabled to move at its own pace. Government must be ready to reward proof of efficiency in administering powers already granted by a generous transfer of fresh powers. The whole system rests on the principle of placing responsible governments on trial, testing capacity, and making recorded experience the ground of future advance. Such advances should be bold; but advances will not be bold, unless it is understood from the outset that, where steps in advance have clearly been premature, they can be retraced. Experiment is the only sound basis of policy; but no experiment is real, unless government is able to abide by negative as well as by positive

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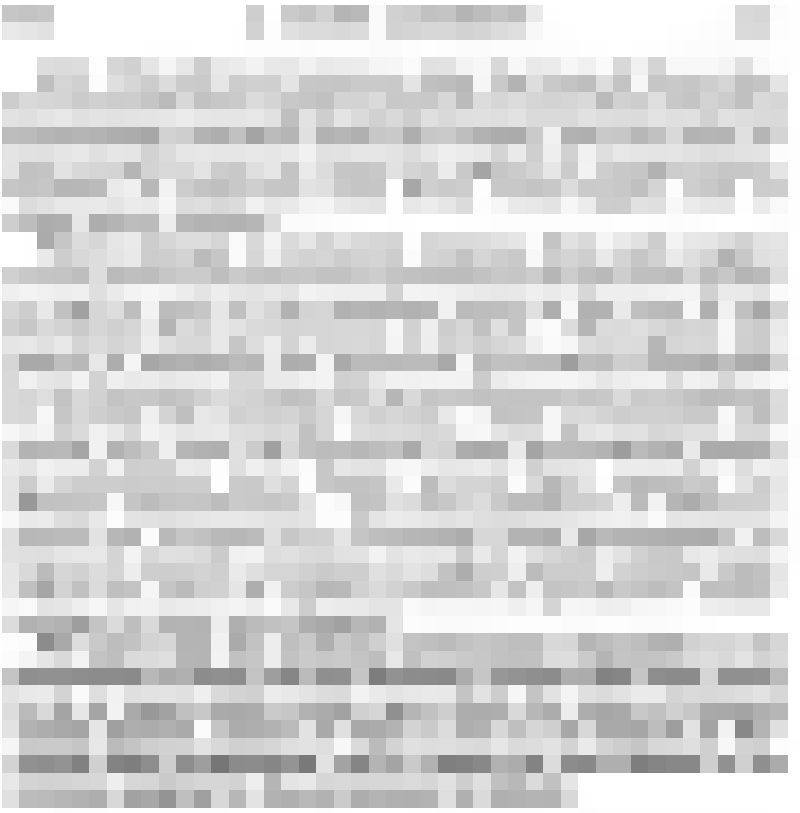
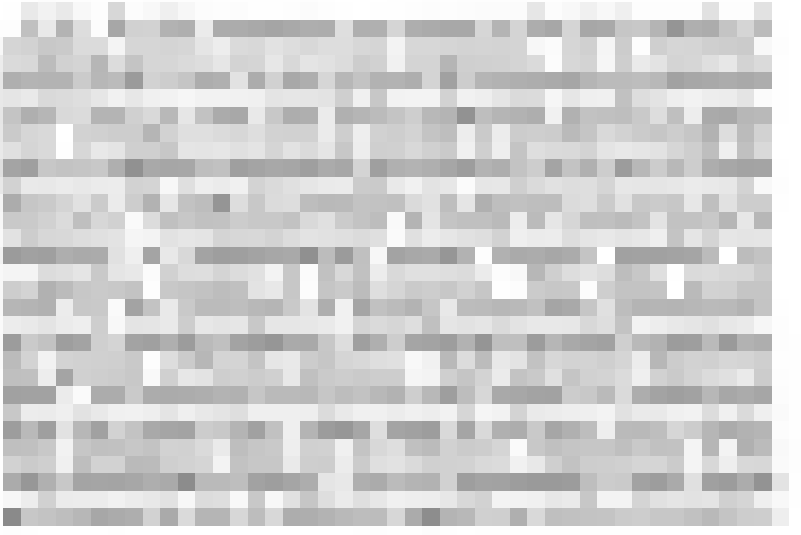


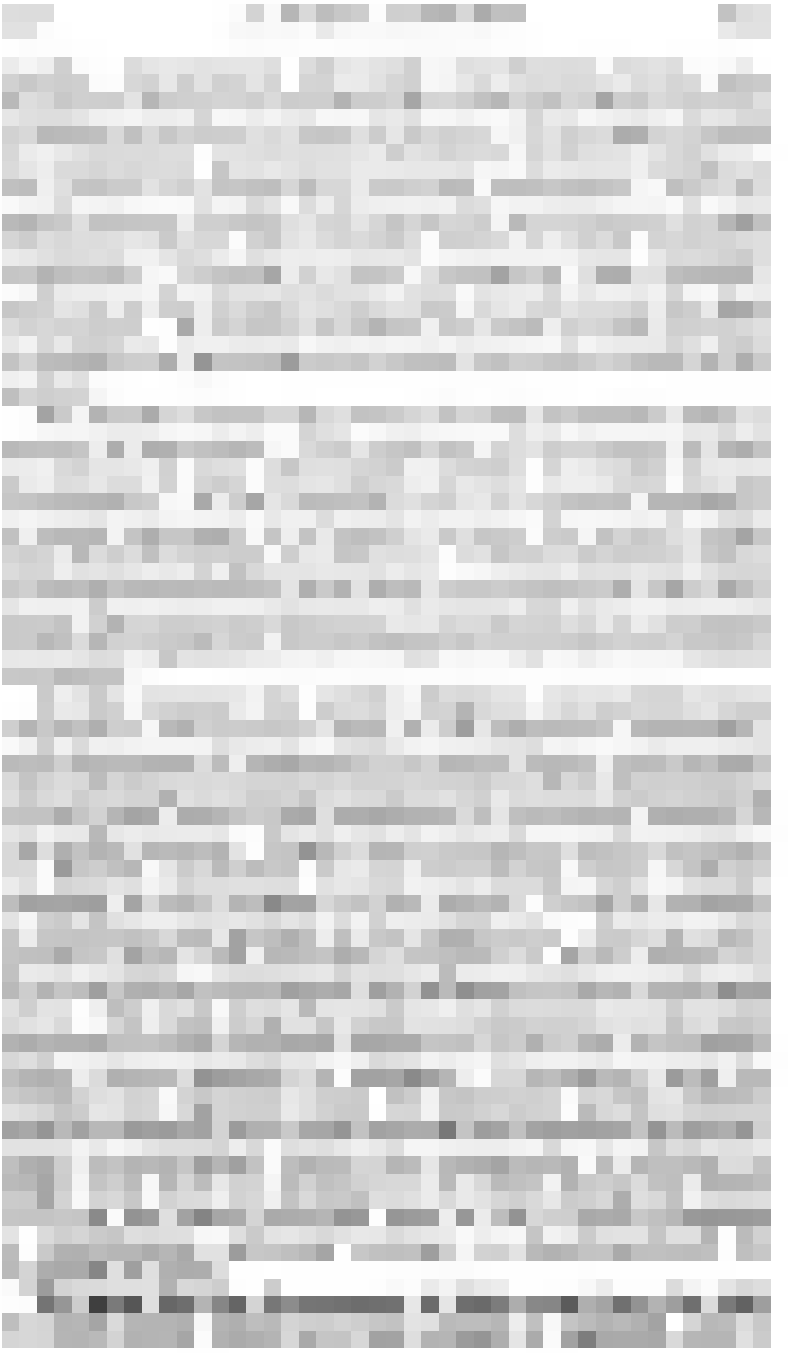


results. Government will make experiments freely, only if it knows that it can and must give practical effect to lessons of failure as well as to those of success. If the right of recall be established, government should be bold in adding to the powers of progressive electoral authorities. For the rapid advance towards full responsible government of some Provincial States will certainly react on their backward neighbours. Nothing is more contagious than example, and it is to the forward States that we look to set the pace of progress. It should, therefore, be made as safe and easy as possible for government at stated intervals to add to the powers.

For similar reasons the power of total suspension held in reserve is important. The existence of the power, in fact as well as in law, will largely operate to render its use unnecessary. If the Imperial veto on colonial legislation is rarely exercised, it is largely because the power, unlike that of the Sovereign, is a real one. Colonial ministers refuse to accept amendments from their own supporters when they know that such amendments, if incorporated in a measure before the legislature, would oblige the Imperial Government to veto it.

In like manner the public disgrace, inseparable from suspension, will act as a spur to the ministers, assemblies, and electorates of backward Provincial States, and prevent their allowing the standard of government from degenerating to the point when total suspension is obviously needed in the public interest. Neglect and corruption cannot continue to flourish unchecked in one Provincial State without reacting on the progress of the others. Positive anarchy is infectious and spreads to its neighbours. Just as a progressive State will stimulate progress in those behind it, so a total failure will impede the progress of those in advance of it. The best hope for such a community is the total suspension of its incapable régime as in the case of a Native State, where anarchy is rampant. Corruption must be weeded out, injustice must be redressed, public utilities must be restored, and a clean and efficient standard of government re-established, before the community is allowed to begin once more an attempt to do these things for itself. It is on the same principle that in the United Kingdom a constituency, provenly corrupt, is disenfranchised for a period of years.

We agree that the Government of India must have the right to recall powers which have been abused or neglected, and, in



results. Government will make experiments freely, only if it knows that it can and must give practical effect to lessons of failure as well as to those of success. If the right of recall be established, government should be bold in adding to the powers of progressive electoral authorities. For the rapid advance towards full responsible government of some Provincial States will certainly react on their backward neighbours. Nothing is more contagious than example, and it is to the forward States that we look to set the pace of progress. It should, therefore, be made as safe and easy as possible for government at stated intervals to add to the powers.

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In like manner the public disgrace, inseparable from suspension, will act as a spur to the ministers, assemblies, and electorates of backward Provincial States, and prevent their allowing the standard of government from degenerating to the point when total suspension is obviously needed in the public interest. Neglect and corruption cannot continue to flourish unchecked in one Provincial State without reacting on the progress of the others. Positive anarchy is infectious and spreads to its neighbours. Just as a progressive State will stimulate progress in those behind it, so a total failure will impede the progress of those in advance of it. The best hope for such a community is the total suspension of its incapable régime as in the case of a Native State, where anarchy is rampant. Corruption must be weeded out, injustice must be redressed, public utilities must be restored, and a clean and efficient standard of government re-established, before the community is allowed to begin once more an attempt to do these things for itself. It is on the same principle that in the United Kingdom a constituency, provenly corrupt, is disenfranchised for a period of years.

We agree that the Government of India must have the right to recall powers which have been abused or neglected, and, in

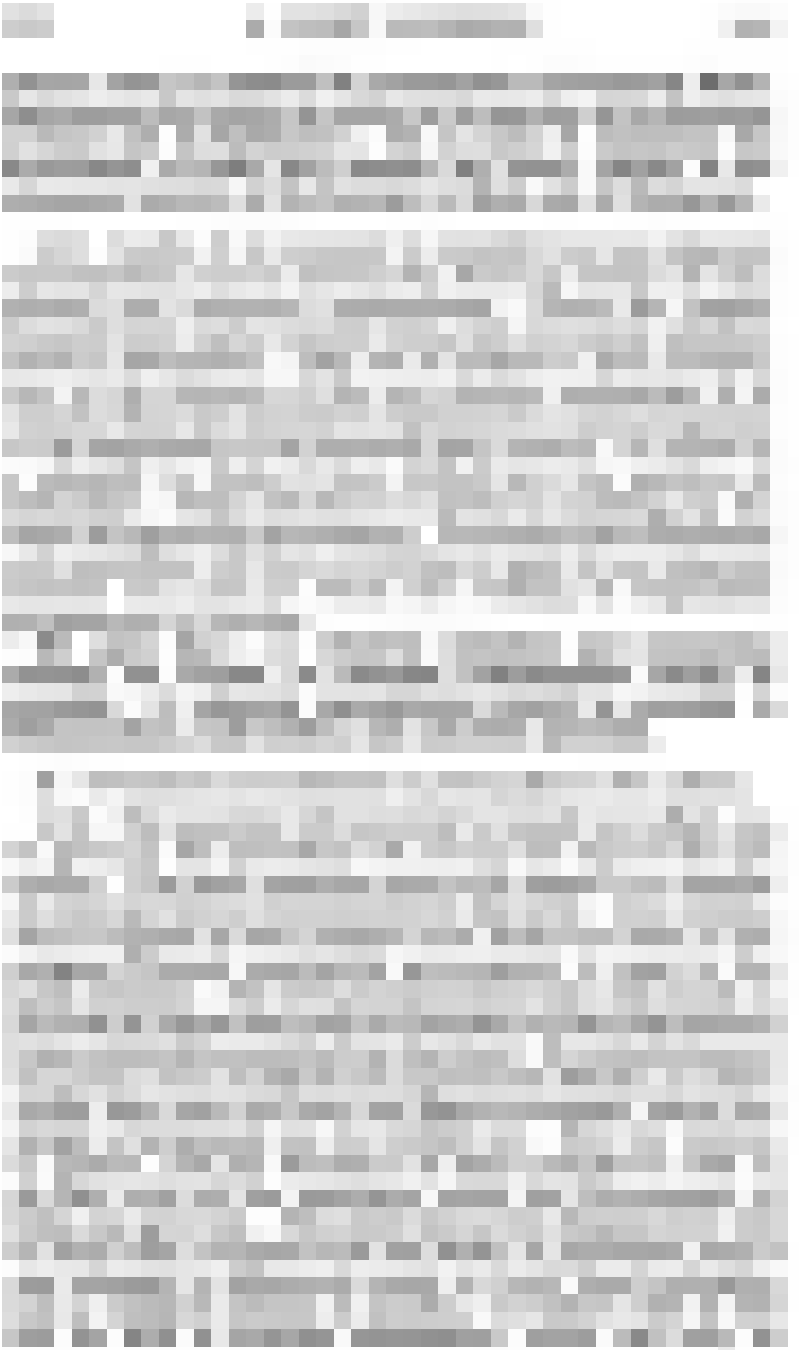
extreme cases, to suspend the governments of Provincial States. Such powers shall always be subject to the sanction of the Secretary of State and of Parliament; but in cases of emergency the Government of India may exercise the power, subject to the subsequent sanction of the Secretary of State and of Parliament.

§ 37. Lastly, it is necessary to consider how an adequate representation can be secured for those in charge of commercial and industrial undertakings. These are largely financed from capital outside India, and are mainly administered by Europeans. They are in number a mere handful, but, in the interests of the new elective authorities, it is essential that they should be represented in some proportion to the magnitude of the interests they control. It would be a calamity to India if they drifted into the position of Uitlanders. Their assistance is needed in building up the fabric of responsible government. Provincial State Ministries and assemblies will have everything to gain by an adequate infusion of a race to whom the working of responsible government is familiar.

We agree that: (*a*) wherever industrial and commercial interests are located, an adequate representation should be accorded; (*b*) adequate representation should be accorded to Mohammedans, land-holders, and minorities generally.

D.—*Procedure to be followed in giving effect to the scheme.*

§ 38. The question will naturally be raised how effect can be given to the provisions set out at the end of the last section. The same question arises with regard to a number of other provisions recommended in this note. Any scheme, which suggests at this juncture how India can start on her progress towards responsible government, is open to the same criticism. The new pronouncement was only made on the 20th of August last, and the Secretary of State has reached India within three months from that date. It is utterly beyond the power, even of skilled and experienced officials, to collect within that time the facts and figures necessary before the details of proposals can be worked out. Nor, we venture to predict, will the Secretary of State himself be able to do this, with all the assistance which the Government of India can give him. The short time at his disposal here will be more than occupied with the study of principles, and if any attempt is afterwards made to work these principles into a complete scheme in London, we believe that it will fail for lack of detailed information, which can only be



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obtained on the spot. Such failure will mean delay, and delay will not be understood in India. It will surely breed distrust and continued agitation. The greatest need of India is that prompt and unmistakable steps should be taken to give effect to the policy outlined in the recent pronouncements. The only way in which this can be done, is by the early enactment of a measure by Parliament such as will set in train the progress of India towards responsible government there foreshadowed.

§ 39. The solution of the problem, we suggest, will be found in the precedent set by the Government of London Act of 1899. By this measure it was proposed to abolish more than forty vestries, and establish in their place a far smaller number of municipal bodies. The whole scheme, including the constitution of the new bodies, was firmly outlined in the measure. Yet the Parliamentary draftsman, situated as he was in the middle of the subject dealt with by the measure, with all the forces of the Local Government Board, the Home Office, the London County Council, the City of London, and the Vestries at his disposal, was unable to cope with the innumerable details which had to be worked out before effect could be given to its provisions. In order to bring the new bodies into existence, it was necessary to delimit areas, fix the number of members on the various bodies, adjust their finances, and disentangle and rearrange a multitude of details. All this was remitted to three commissioners named and appointed under the Act. The moment the Act was passed the commissioners got to work, and, as their arrangements were framed, legal effect was given to them by Orders in Council issued in terms of its provisions.

We believe that the adoption of this course is the only way to avoid a delay which will prove mischievous in the extreme to the peace and interests of India. It is not delay in bringing into being the new organs of government that we fear. That of necessity is a task the details of which need time for their execution. Any attempt to burke those details will only end in further postponement. The delay, we fear, is in framing a measure which the Imperial Government can adopt for submission to Parliament, and in the passage of that measure into law. The trust of India in Parliament is unimpaired, and if once the scheme of reforms is firmly outlined in statutory form, and commissioners are appointed to give effect to it, the people of India will not be found wanting in patience. Their energies will, we think, be devoted to aiding the government and commis-

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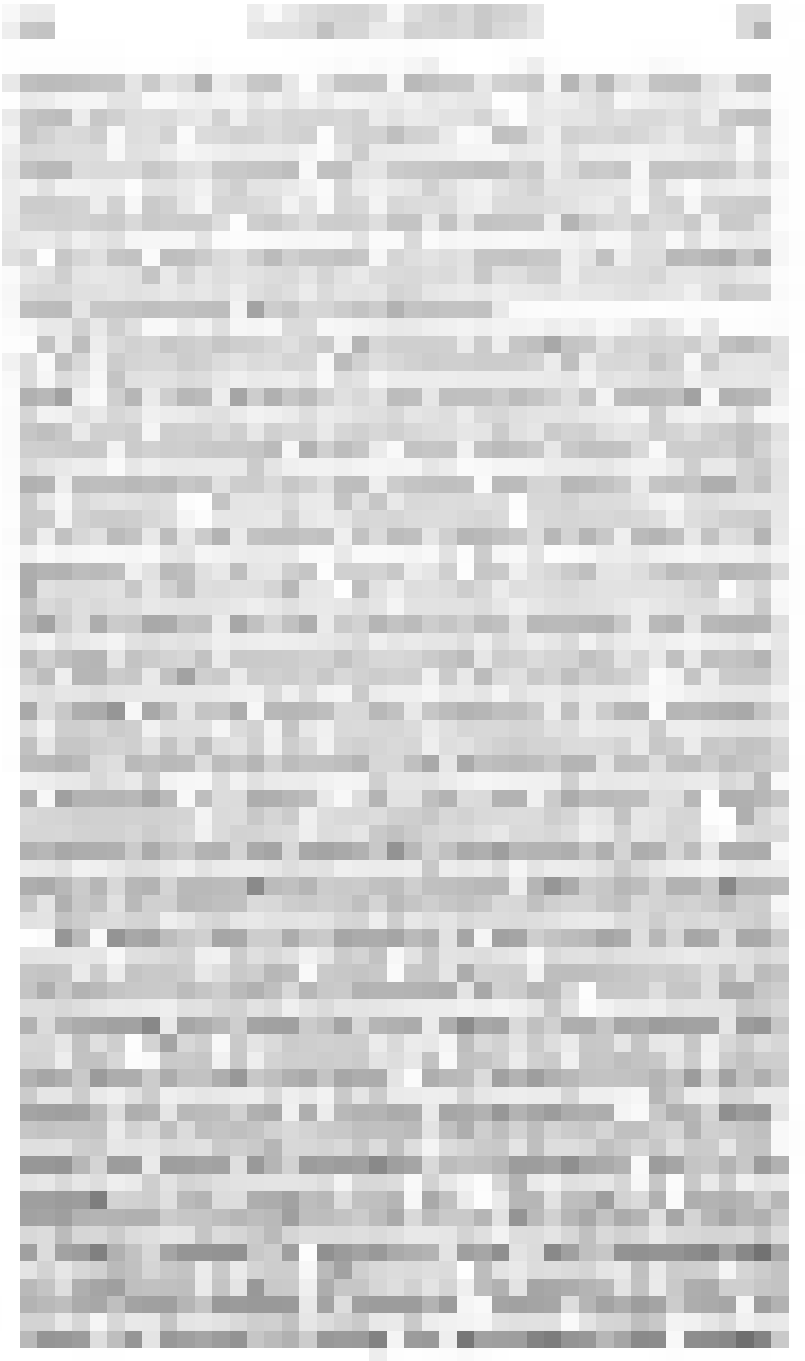

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§ 40. The goal of responsible government having now been declared, the scheme should, in our opinion, be one which initiates not only the immediate steps, but renders visible to the people of India the whole path to the ultimate goal. We urge that the measures should be such as will leave no room for constitutional agitation, either now, or at any future time. It should set them free to devote their whole strength to social and political reform, by placing political as well as social reform within their reach. The situation we desire is one in which communities in all parts of British India can attain to new political powers, always, but only, by proving their fitness to exercise those they already possess, and will lead, as quickly as those proofs can be given, to a complete and final attainment of their status as the greatest Dominion in the British Commonwealth. It is to that end that we, British and Indians, have framed these proposals. We desire that the foundations of responsible government in India should be laid in trust and amity between her people and those whose forefathers have given this system to the world, that our enemies may learn that we know how to realize its principles, as well as to defend them. We, therefore, unite to submit this scheme, believing that so, in the Providence of God, a corner-stone may be laid in this Commonwealth of Nations for the perpetual union of East and West.

With regard to the details of the scheme outlined above, we think that it is desirable that every one should reserve full liberty of judgement. Our agreement relates only to the following specific points :

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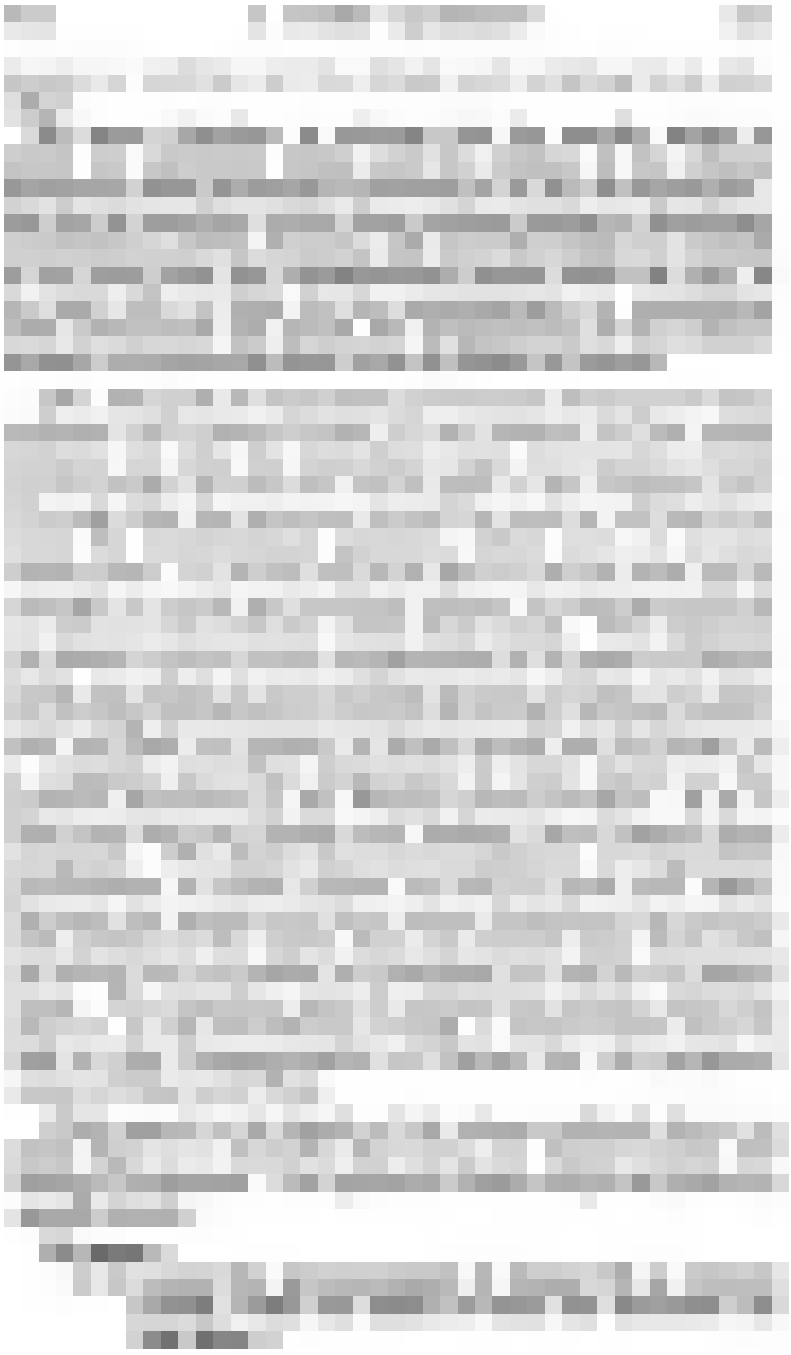

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(2) that, having accepted the pronouncement, we are not only free, but also bound to consider the new situation created thereby with open minds ;

(3) that the existing provinces need not be assumed to be areas suitable as a basis for responsible government, but such areas must be settled at the moment when the first instalment of responsible government is granted;

(4) that the first steps towards responsible government cannot be taken in the sphere of the central government ;

(5) that, during the period of transition, governments of two types must co-exist, the one responsible to electorates for specific powers, the other to the Secretary of State for all other powers ; that the responsibility of each must in fact be a real one, and their powers must be sufficient to enable them to discharge that responsibility efficiently ;

(6) that a share of the consolidated revenue of the province should be handed over to the Provincial State governments, proportionate to the cost of the functions transferred to them ; in addition to which should be handed over certain specific powers of taxation, such as would fall on the Provincial State electorate itself ;

(7) that further additions to the powers of Provincial States, and to their share of existing provincial revenues should be considered by commissioners reporting direct to Parliament, at intervals of, say, seven years, such interval to be specified at the outset ; and that in the intervening periods no demand for further executive powers, or for a further share of existing revenues, should be entertained ;

(8) that legislation passed by Provincial State governments affecting commercial and industrial undertakings should be reserved for the sanction of the Secretary of State ; and a limit of time should be laid down, within which representations from the interests affected can be received by him ; and further, that instructions to this effect should be included in a schedule attached to the Act of Parliament in which the scheme of reforms is embodied ;

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(10) that the Government of India must have the right to recall powers which have been abused or neglected ; and in extreme cases to suspend the governments of Provincial States. Such powers shall always be subject to the sanction of the Secretary of State and of Parliament ; but in cases of emergency the Government of India may exercise the power, subject to subsequent sanction of the Secretary of State and of Parliament ;

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List of signatories to the Joint Address received up to date December 17, 1917

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5. A. R. Murray.
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7. James E. Roy.
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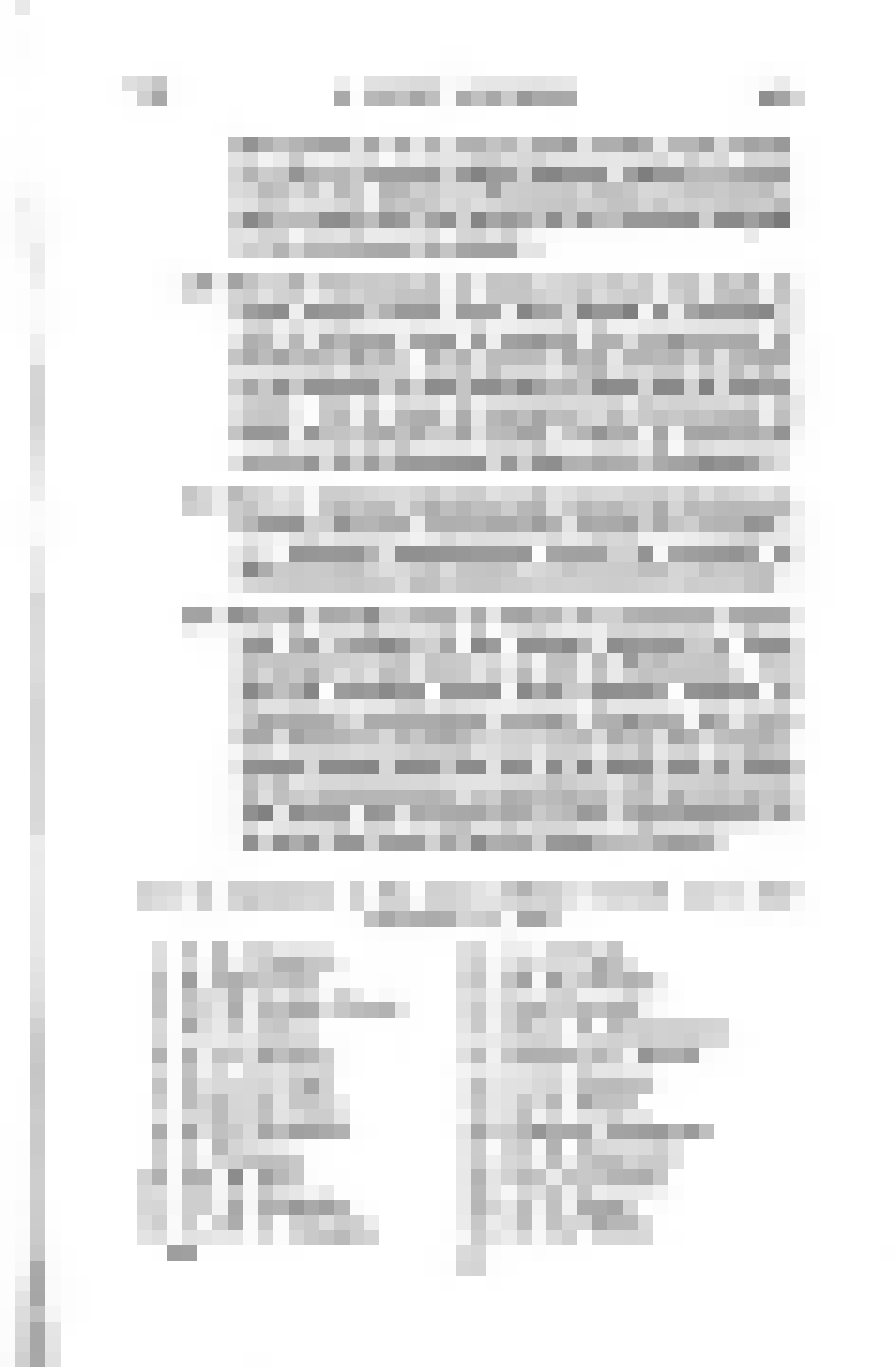

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3. Kshaunish Chandra Roy, Maharaja Bahadur of Nadia.
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43. Protap Chandra Mukerji, Rai Saheb.
44. Rajendra Chandra Chatterjee.
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46. Srikanto Kumar Dey.
47. Tarini Charan Das.
48. Hara Lal Chattopadhyaya.
49. Saroda Kant Bandopadhyaya.
50. Mehruddin.
51. Arshed Ali.
52. Nemai Charan Dhopi.
53. Amar Charan Das.
54. The Hon. Rajah Kushalpal Sing.
55. N. Ghatak.
56. K. T. Paul.
57. Priya Nath Mallik.
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63. Lal Mohan Sarkel.
64. Rai Hariram Goenka Bahadur, C.I.E.
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44. Rajendra Chandra Chatterjee.
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47. Tarini Charan Das.
48. Hara Lal Chattopadhyaya.
49. Saroda Kant Bandopadhyaya.
50. Mehruddin.
51. Arshed Ali.
52. Nemai Charan Dhopi.
53. Amar Charan Das.
54. The Hon. Rajah Kushalpal Sing.
55. N. Ghatak.
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Yours sincerely,
HUGH BRAY.

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With reference to the note on the future system of government in India which you have shown me, and which you and other Europeans have discussed with certain Indians, the position of the European Association is, as you are aware, that a memorandum expressing the views of the Central Council and the delegates appointed by the various branch councils had already been drawn up and submitted to government.

The note undoubtedly creates a new situation, and calls for the careful consideration of the association. I am therefore proposing to communicate at once with the different branches with the object of endeavouring to arrange for a second conference in Calcutta for the discussion of the scheme. I am hoping this may be found feasible in time for the views of the conference to be formulated prior to Mr. Montagu's arrival here.

Yours sincerely,
A. BIRKMYRE.

November 18, 1917.

MY DEAR PUGH,

I think there is no reason why the whole of the provincial governments should not be made responsible to the people in the different provinces. But in view of the differences of opinion that exist among different communities, a scheme such as this calls for the careful consideration of all parties and communities. It is certainly desirable, as I said before, that in a matter like this all parties should co-operate and try and come to a common understanding. I have no doubt that the Bengal Provincial Conference which meets in Calcutta at an early date will fully and carefully consider this.

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VIII

LETTERS TO THE PEOPLE OF INDIA ON RESPONSIBLE GOVERNMENT

(*December 1917*)

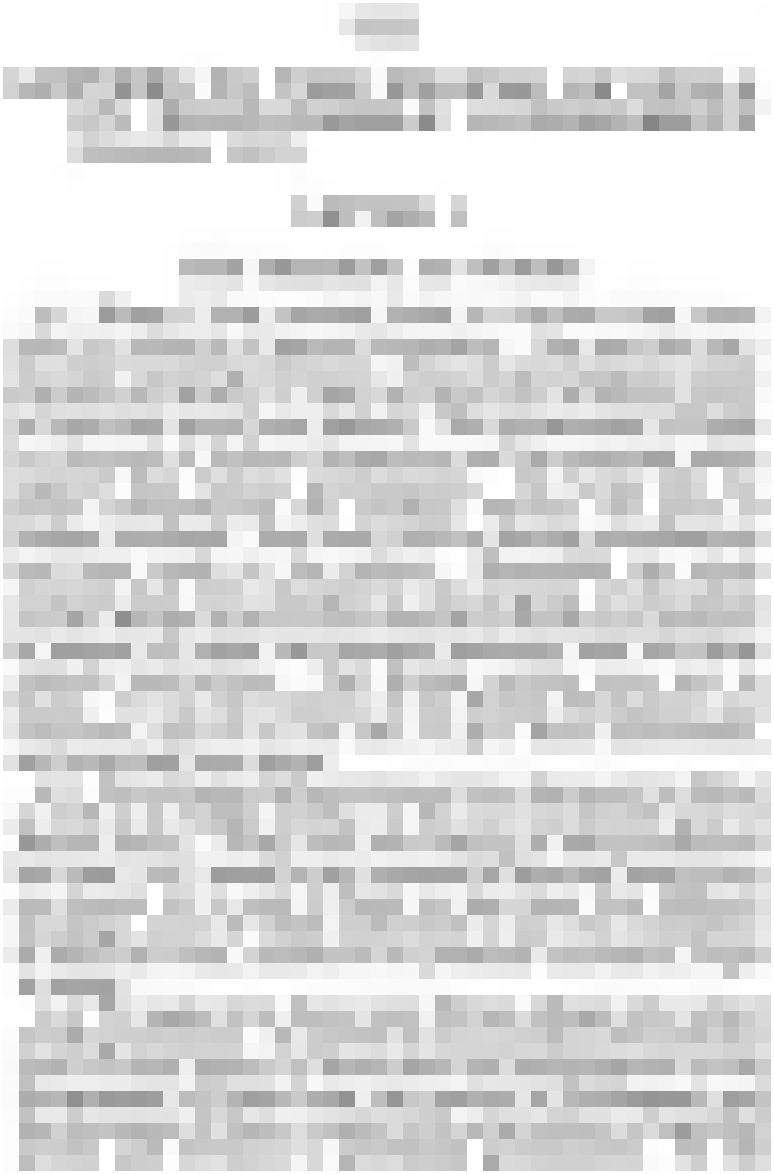
LETTER I

THE MEANING OF WORDS

§ 1. WHEN I first reached India in October 1916, there were two subjects of general discussion. One was the war; the other was self-government. Since the proclamation which followed the Mutiny in 1858, the final aims of British policy in India had never been defined. The government of India for the good of Indians themselves was the principle which inspired that famous proclamation. Its terms left for future interpretation the question wherein the good of Indians consisted. But since 1858 no further proclamation had been made on the subject. Meanwhile the whole situation had been changed by the progress of education, and the British service found themselves faced by a situation in respect of which the supreme authority had left them without instructions. The British service were not to blame. It was the business of the British Parliament and electorate, and of no one else, to give them instructions, and none had been given.

§ 2. Nevertheless self-government was discussed, in official as well as in Indian society, as the one conceivable goal of British policy. Every one was talking of self-government last year; so I made it my business to discover what every one meant by it, and I found no less than four different meanings, none of which conformed to my own conception of what the term, carried to its practical conclusion, ought to imply.

§ 3. To begin with, there were British officials who talked of self-government. In answer to my questions I found that some of them meant no more than the emancipation of the Government of India from the control of Parliament and the Secretary of State, coupled with a devolution of specified powers and revenues to provincial governments. In the



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§ 4. The word self-government was used to include these four wholly distinct ideas, and the result, as it seemed to me, was that most people were talking at cross-purposes.

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'"(1) To make the whole legislative council elective.

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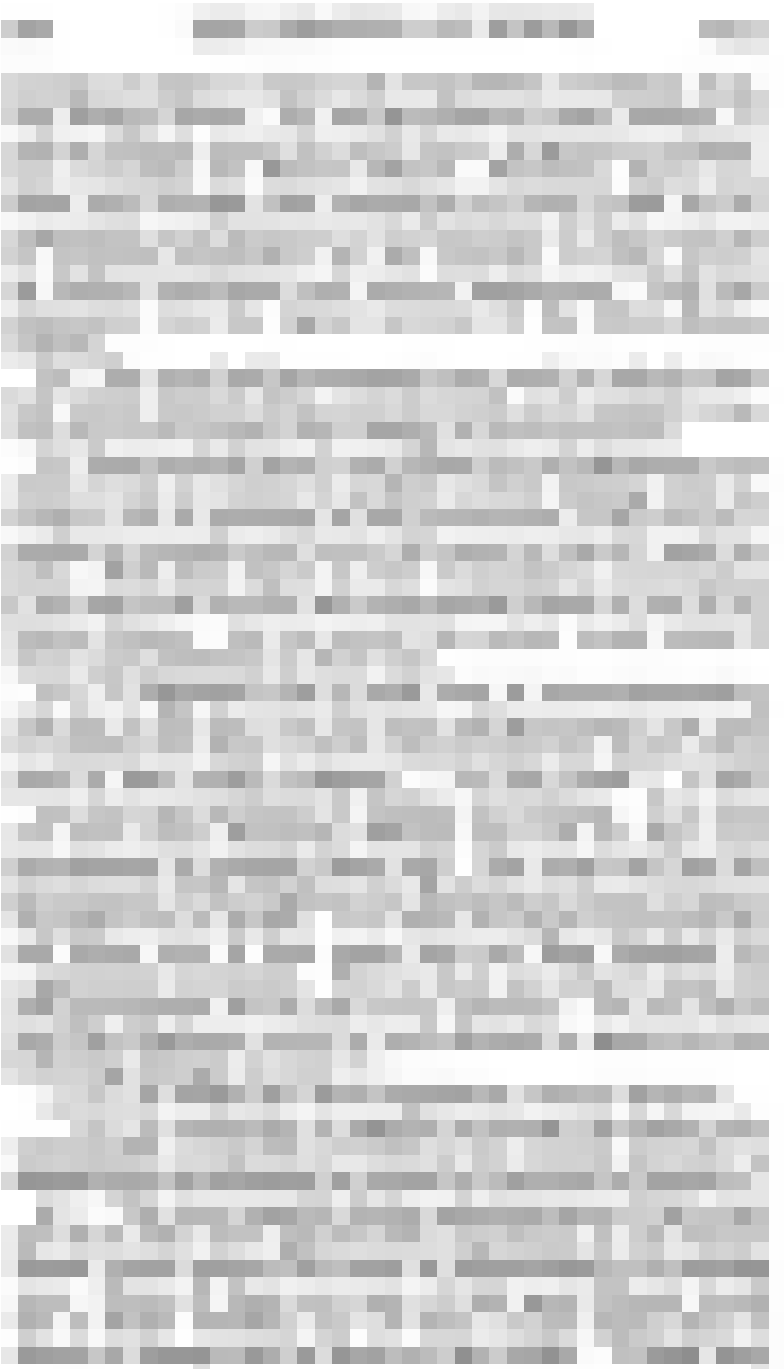
§ 7. 'The most capable Indian administrators I have met are those who have gained their experience in the Native States, which proves the value of responsibility in training men. Some of them are men of the most liberal views, but I doubt whether any of them would think that so drastic a change can be made at one stroke. I think they



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§ 9. 'And now let me ask you to consider this system of responsible government as applied, not to a Native State, but to the vast and complicated structure of British India. Here you have two orders of government to deal with—the Government of India and also the various governments of the provinces into which India is divided. Personally I do not flinch from saying that I look forward to a time when in all these provinces, and also in the capital of India itself, elective legislatures will sit, with executives wholly consisting of the leaders who for the time being command a majority, and resign the moment they cease to command it. . . .

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LETTER II

THE PRONOUNCEMENT OF AUGUST 20

§ 1. In the last week of 1916 the Indian National Congress and the All-India Muslim League in their annual session at Lucknow resolved 'that the time has come when His Majesty the King-Emperor should be pleased to issue a proclamation announcing that it is the aim and intention of British Policy to confer self-government on India at an

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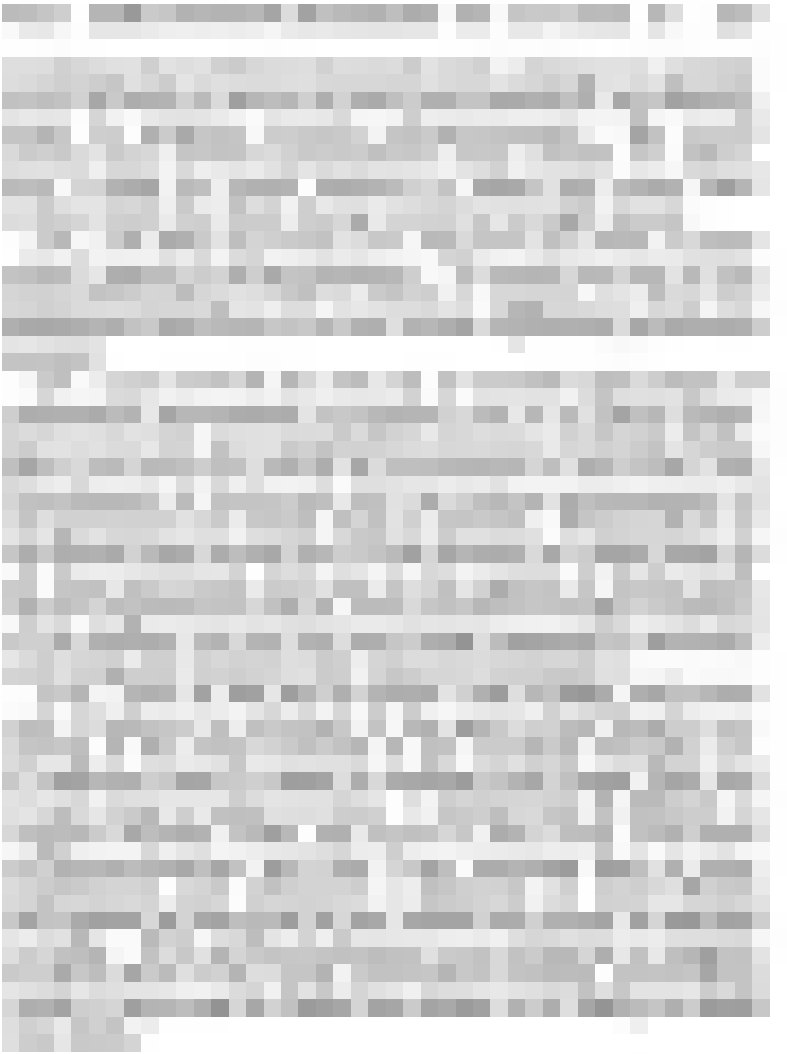

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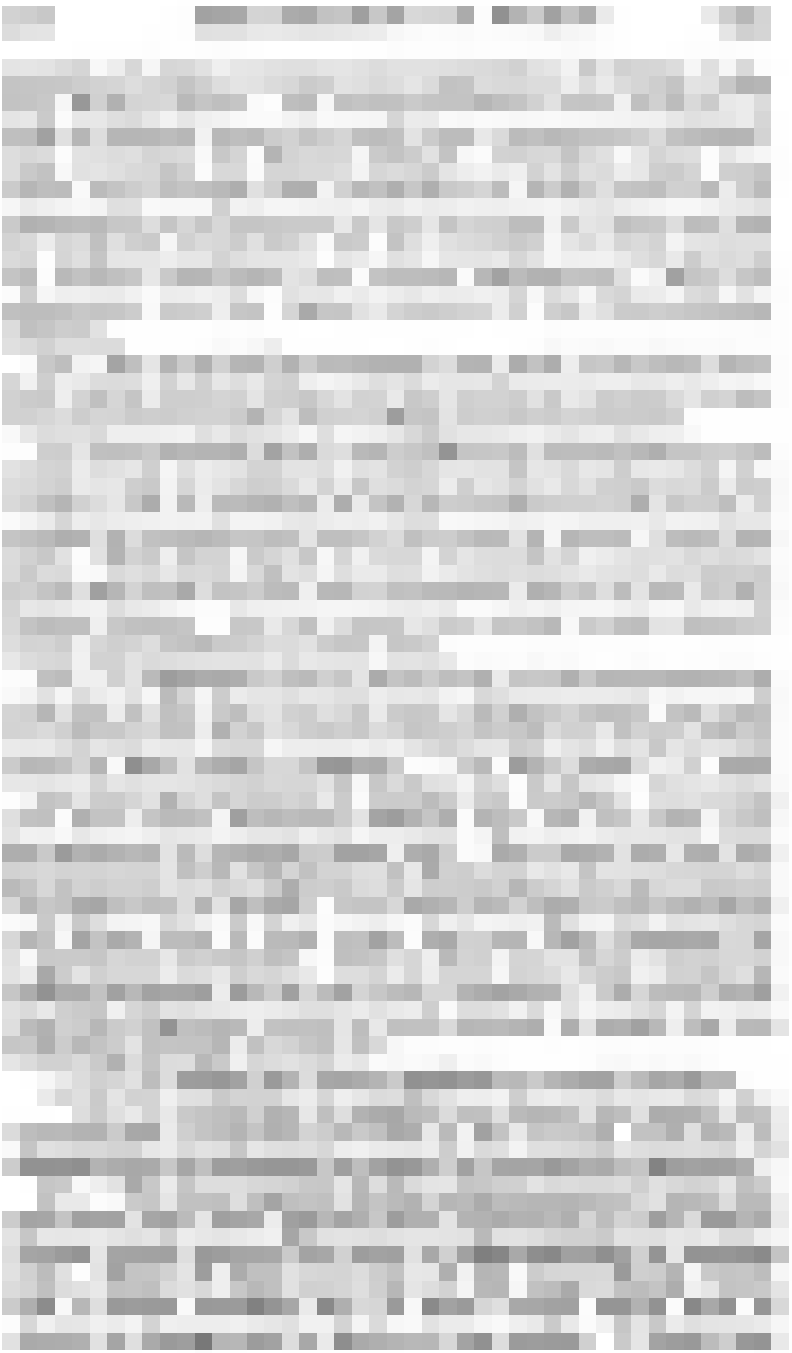

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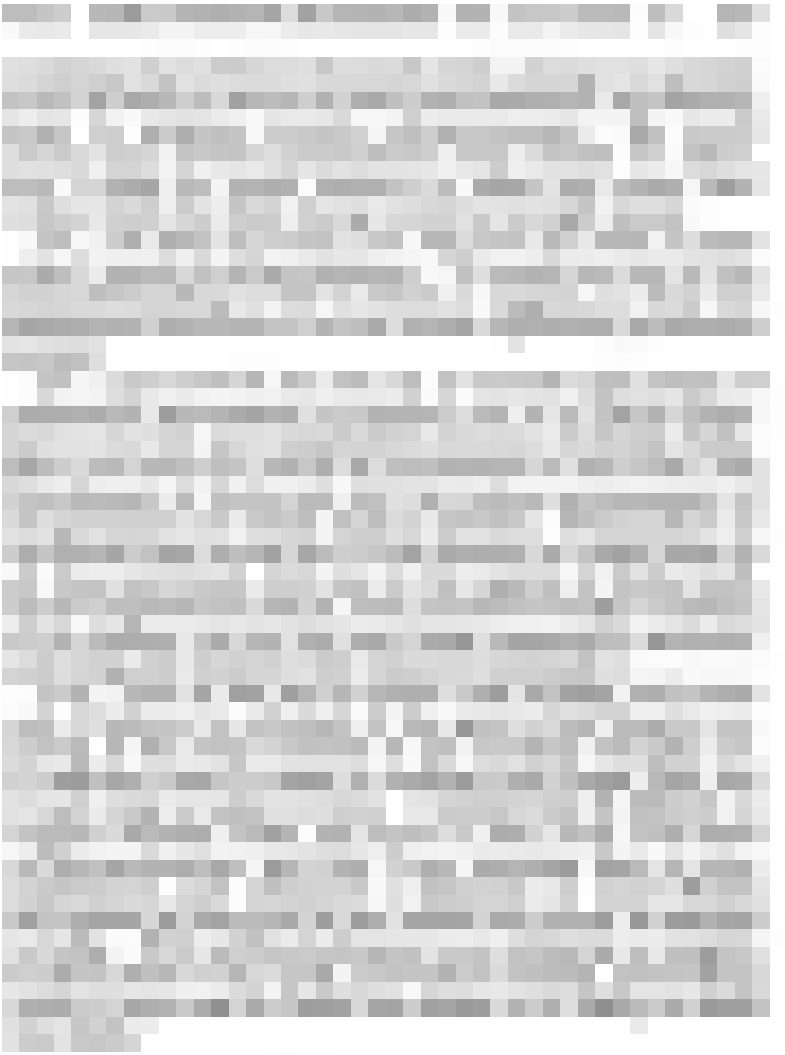

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early date, . . . and that a definite step should be taken towards self-government by granting the reforms contained in the scheme'. This scheme the resolution then proceeded to give in detail. Some months later the Viceroy informed the Legislative Council that the Government of India had forwarded definite proposals for reform to the Secretary of State. Clearly some answer had to be given to the request tendered by the Congress and League before their next meeting. As a matter of mere courtesy they would have to be told whether their demand for a statement of policy was to be granted or not. Every one, therefore, who had followed the course of affairs, had reason to know that some statement of policy was being considered, and might be expected at any moment. It was open to any one to formulate and present their views as to what that statement should be.

§ 2. On August 20, 1917, the Congress and League received their answer. In form, as well as in substance, the answer differed from that suggested in their resolutions. They had asked for a proclamation of the King-Emperor, such as that which was issued when Indian policy had been last defined in 1858. The statement they got on August 20 was embodied in the form of an answer to a question in the House of Commons put to the Secretary of State for India. The pronouncement was in substance the most important ever made on the place of India in the British Commonwealth. We cannot at this distance know what considerations induced a cabinet, burdened with the exigencies of a terrible war, to make a pronouncement of such capital importance in a manner so unpretentious. Some allowance must be made for the difficulties which the Imperial Government has to face before we criticize the course they took. But to any one who knows anything of India, it must be a matter of regret that a pronouncement changing the whole direction of British Policy in India should have been made in a form so inadequate. Its significance must and will be determined by the gravity of the matter it contains. But that significance would have been far better understood by Europeans and Indians alike, had it been embodied in the form of a proclamation, and, still more, had it been followed by such explanations by the Imperial Government and by the Government of India as its terms require. These terms are singularly plain. Yet dealing as they do with constitutional conditions new to India, their full significance has not been appreciated.

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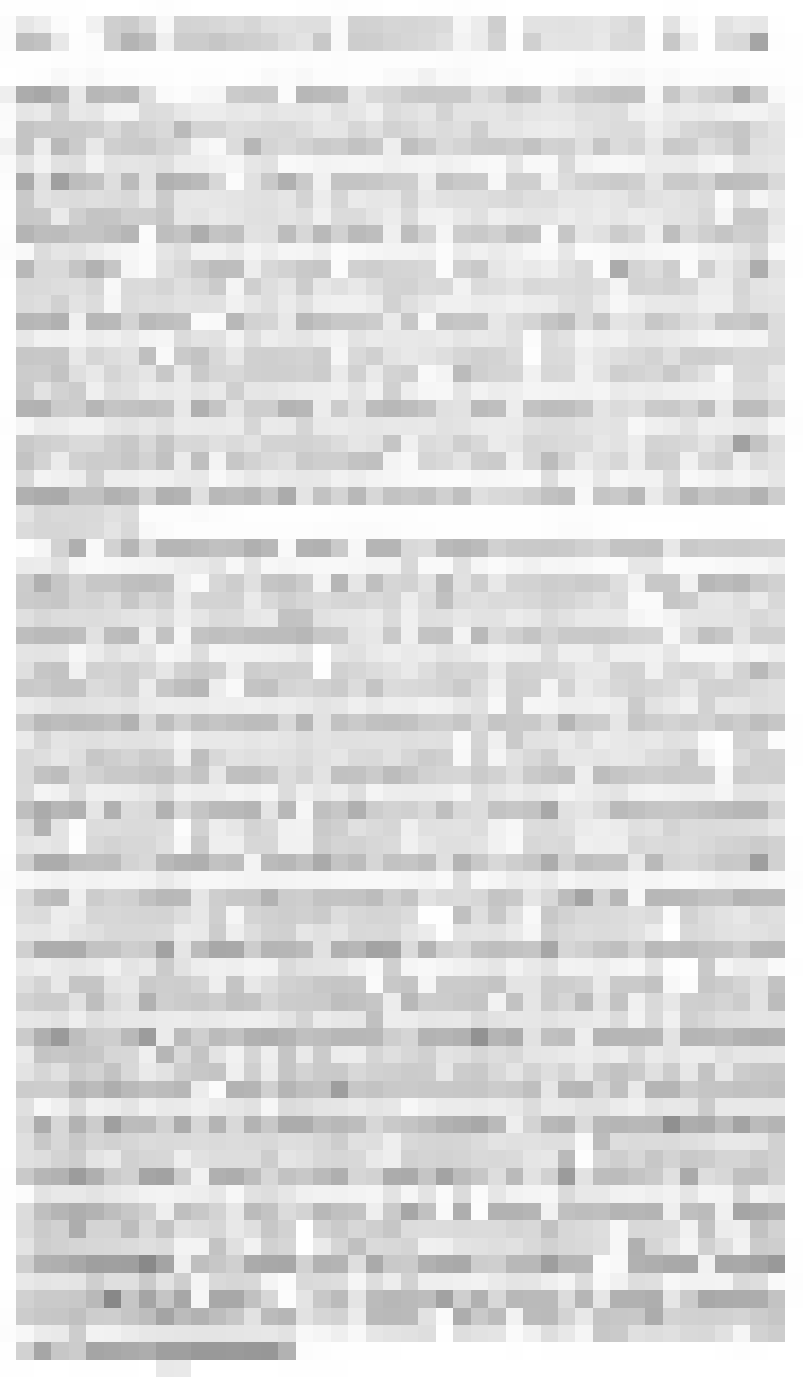
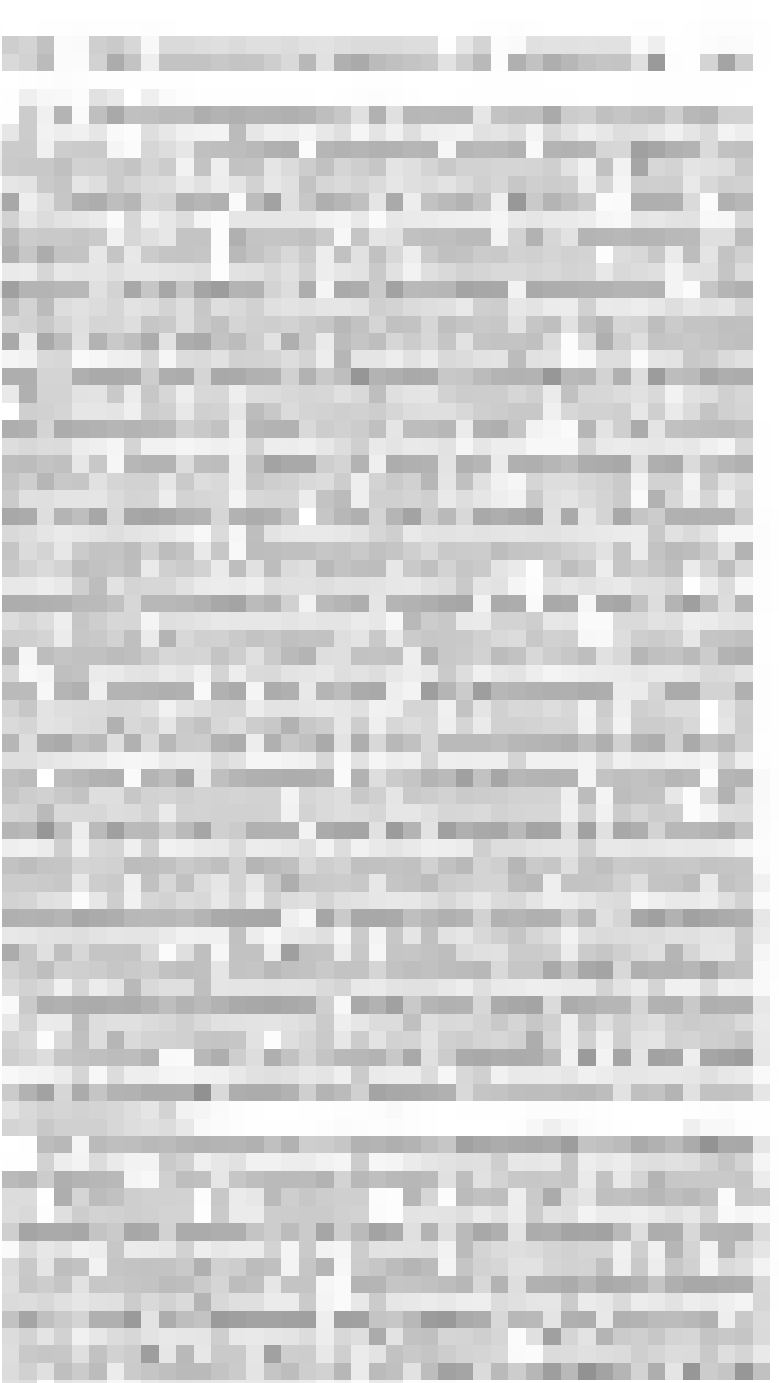


§ 3. The Pronouncement, of course, contains much that is not new. It reaffirms principles which have figured as commonplaces in the speeches of Secretaries of State and of Viceroys since the time of Lord Morley. Such, for instance, is the promise to increase the association of Indians in every branch of the administration, and of the gradual development of self-governing institutions. The really new and therefore important matter was that contained in the words defining the goal to be sought. The Congress and League had asked the Imperial Government to proclaim 'that it is the aim and intention of British Policy to confer *self-government* on India at an early date'. In the answer made to them on August 20 they got something else, and indeed more than they had asked for; and they got it in far more definite terms. The goal is stated as 'the progressive realization of RESPONSIBLE GOVERNMENT in India, as an integral part of the British Empire'. The words 'Responsible Government' here appear for the first time in any official pronouncement on Indian Policy. I have seen it suggested in the public press that they were substituted by the cabinet for the words 'self-government', used by the Congress and League, in a fit of absence of mind. As a glance at the first words of the pronouncement will show, its terms were discussed in correspondence between the Imperial Government and the Government of India. The delay which took place, after the dispatches of the Government of India were sent to London and before the pronouncement was made, is sufficient evidence that every word was discussed and weighed. A writer who objects to 'responsible government' as the goal of Indian Policy cannot get rid of it by imputing carelessness and levity to British statesmen. 'Responsible government' must have been used in the place of 'self-government' with a full knowledge of the meaning it conveyed. Our first business, therefore, is to see what was the meaning which the Imperial Government must have attached to it.

§ 4. All executives are, of course, responsible to some higher authority. The Governor-General in Council is responsible to Parliament in England. So were the executives of Ontario and Quebec in the time of Lord Durham, and those of the Transvaal and the Orange River Colony in the five years succeeding the war. They were so responsible because they could be dismissed and replaced by the Secretary of State acting as the agent of Parliament. The demand arose in these countries (and at one time or another in all the



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self-governing Dominions), that the power of dismissing and replacing their executives should be taken from the Secretary of State and vested in their own electorates and in the assemblies elected thereby. That demand has always been made in the name of responsible government. In the minds of men like Mr. Lloyd George and Lord Milner, in whose recollection the demands made and granted in South Africa are still fresh, the term cannot possibly have suggested anything else.

§ 5. But the matter admits of no kind of doubt. Within the last few weeks the Lieutenant-Governor of the United Provinces, addressing the Convocation of the Allahabad University, used the following words: 'The British Government has announced that the ideal for India is responsible government, which means the administration of the country by an executive authority responsible through an elected legislature to the people; and we now have to shape our course towards that goal.'

§ 6. An executive is only responsible to a higher authority when that authority can remove it and put another in its place. In this pronouncement the goal prescribed for India is identified with that already attained by the self-governing Dominions. It is to be reached as an integral part of the British Commonwealth. At present the Government of India and those of the provinces are answerable to, and removable by, the British electorate through Parliament and the Secretary of State. The Imperial Government now looks forward to a time when those executives will all be answerable to, and removable by, Indian electorates, through elected assemblies. It is added, however, that this goal can only be achieved 'by successive stages'. The British Government and the Government of India, in other words the Imperial Parliament and electorate, to which both these Governments are answerable, are to decide, from time to time, what those stages are to be and how fast they can be taken. But why are these stages needed? Why cannot the final power of removing and replacing these executives be transferred at one stroke from the Secretary of State to Indian electorates? The answer is contained in the words of the pronouncement: 'The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be judges of the time and measure of each advance, and they must be guided by the co-operation received from those upon whom new opportunities

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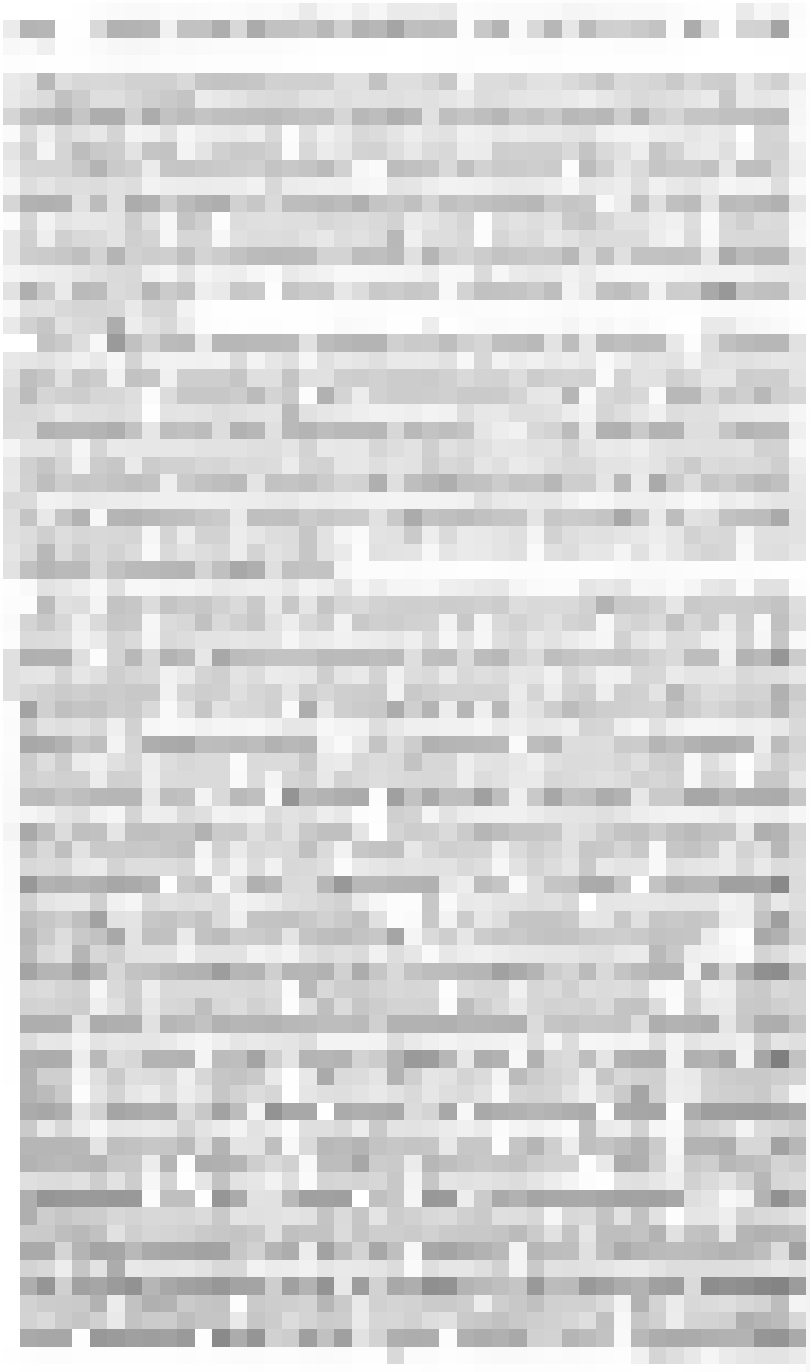

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§ 7. In plain words, the British Government, at the moment of making the announcement, sees no electorates to whom it can transfer the responsibility which now rests on itself. The immediate task before it is to develop such electorates in India, and in such manner that it is possible to test the reality of the development. The question how this is to be done is the root of the whole problem set by the pronouncement of the Imperial Government.

§ 8. Short of a pronouncement involving the separation of India from England, no declaration of policy more definite and final could have been made. From public statements we know that its terms were under discussion between the Imperial Government and the Government of India since the earlier months of 1917. We know that Mr. Montagu engaged to take up matters where Mr. Chamberlain left them ; nor is it unlikely that, when the records are laid bare, the future historian may find the pronouncement, as issued on August 20, amongst the papers of Mr. Chamberlain. In any case it was accepted by a cabinet which includes not only a Liberal Prime Minister and a Labour member, but Lord Curzon, Lord Milner, and Sir Edward Carson. It was tacitly accepted by the House of Commons and by the House of Lords. Its announcement to Parliament without provoking a vote of censure is equivalent to its acceptance by the Imperial Parliament and electorate. It is now, despite the casual form in which it was announced, in every way a pronouncement of the Imperial Government, a British declaration of policy. It was made by the lawful and accredited government of a people now in arms to vindicate the word they plighted to the Belgian nation. If I know our people, they will not go back on their word. It reflects, moreover, their innermost mind. In the last few days I have listened to one, unconnected with party or press, who was recently sent to discuss public affairs with the men in the trenches on the Western front. To his questions about India he was met with the answer, 'Well, we know little about India. But we're fighting for the British Empire, which stands for self-government, and it's up to England to help India to self-government. That is the principle for which we are fighting.'

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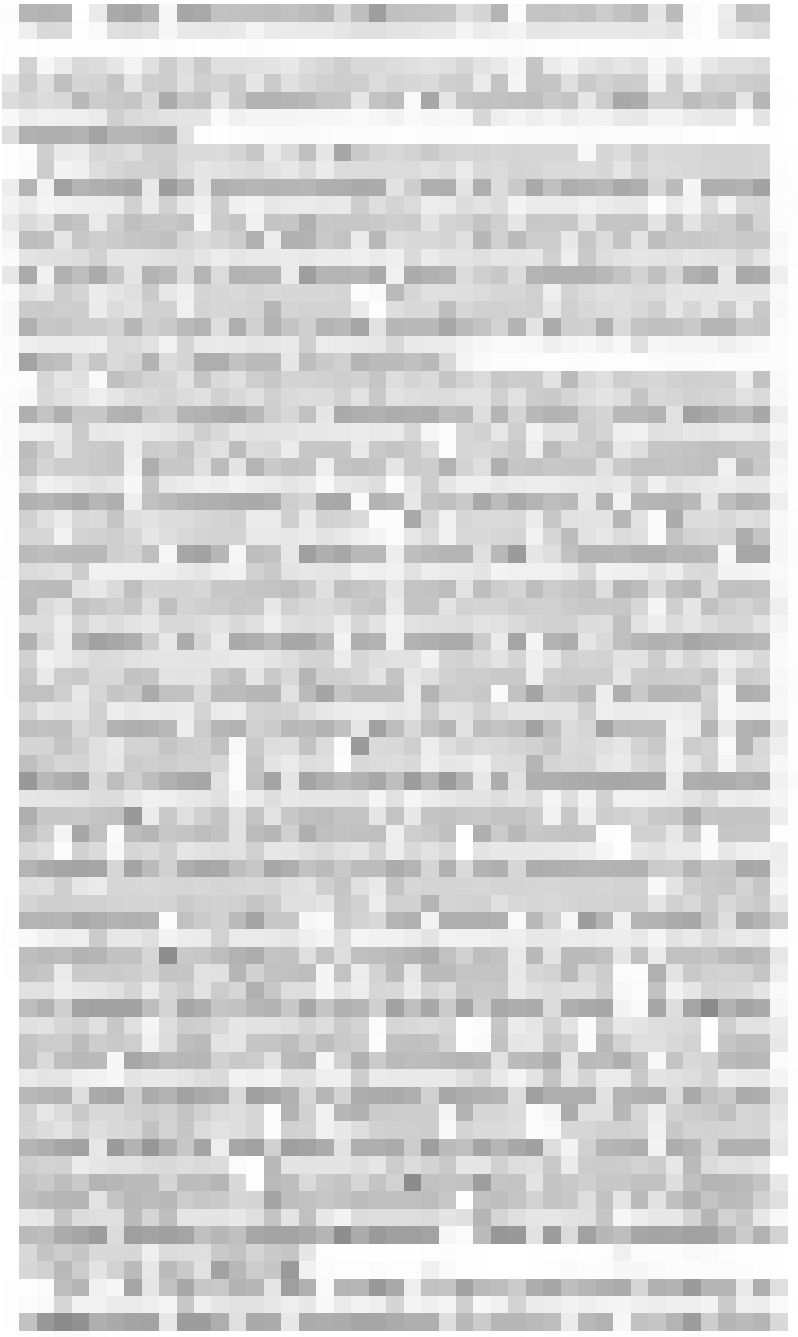

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§ 10. For the moment, however, I am speaking to my own countrymen in India. Whether it will ever be possible to transfer the control of all Indian affairs to Indian electorates, and to place India on the same footing as the self-governing Dominions, is a point upon which some of us may differ. But on one point we shall all agree, that unless or until that goal can be reached, the final decision of British policy in India must rest with the Imperial Government, Parliament, and electorate, which for the present is the British Government, Parliament, and electorate. Such decisions cannot rest either with Indians, nor yet with the British community in India. But what both communities can do is to give public opinion in England the information it sadly needs, and give it in time. So far the information available there has been drawn from two sources, and two only: from Nationalist quarters and from British officials. From missionary circles little has been heard, and from business circles in India, till the last few months, nothing at all. I am not questioning the truth of what Nationalists say, or what the officials say. But I do say that the picture placed before the people of England is utterly incomplete, unless it includes information other than that derived from Nationalist and official quarters.

§ 11. It is for this reason, I believe, that every one in England will welcome the sudden awakening of their unofficial countrymen here to an interest in public affairs. For the moment the trouble is that the awakening has come too late. A new declaration of policy had been long pending and promised; but the views of the European community were not expressed until it had been made in terms which are now impossible to alter.

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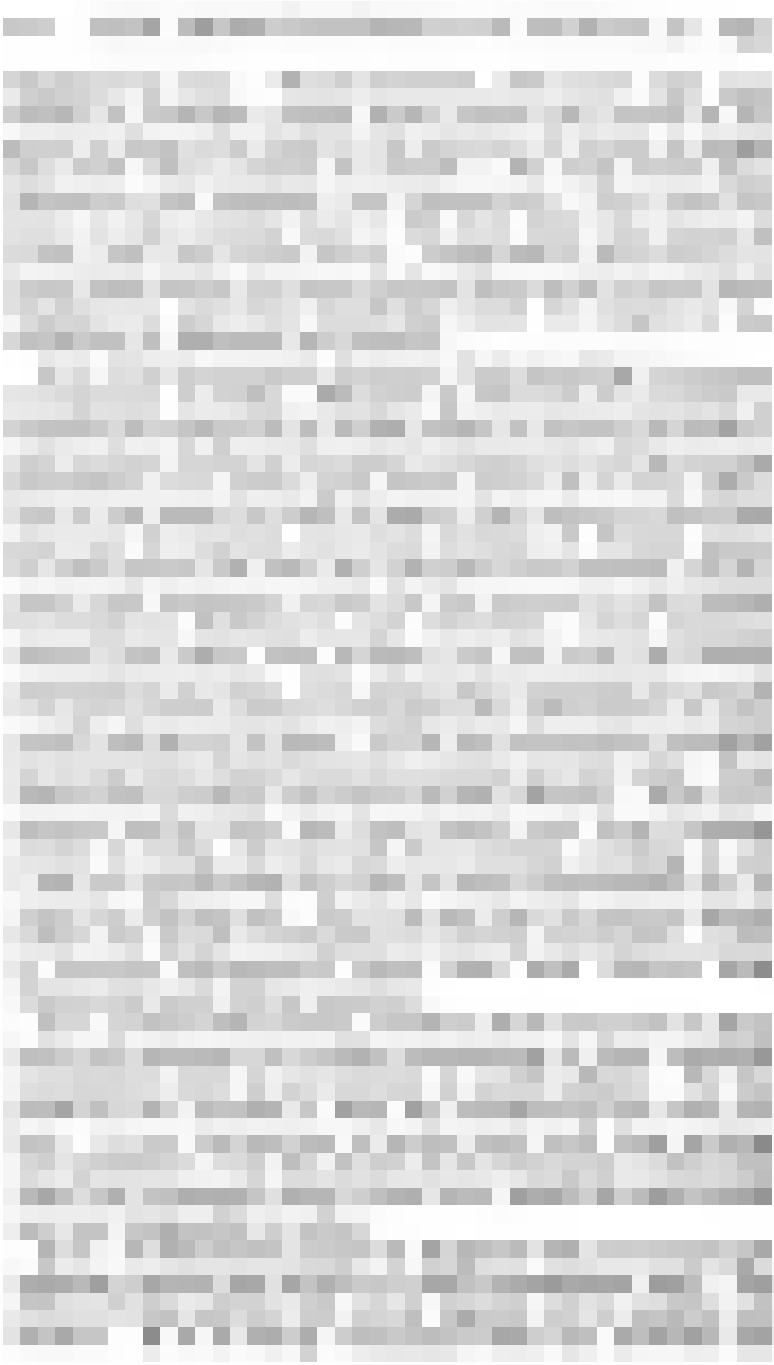

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§ 13. With all this I know you will agree. But there is another and even graver point. From time to time England must make decisions, and give pledges with regard to her policy in India—such pledges as were given in 1858, and once again on August 20 last. You at least know the value of British prestige, which rests simply on India's faith in the two Saxon words 'Yea' and 'Nay'. In the end England will be judged in India by what England herself does, or leaves undone. But at any given moment the people of England largely stand to be judged by their fellow-countrymen who are face to face with Indians themselves. The men who return from the trenches will, I believe, see that this promise is kept. Let their countrymen here think twice before assuming positions which must lead Indians to think that Englishmen at home may be made to play fast and loose with their pledges. Those pledges are given to you no less than to Indians, and they also will be making a vast mistake, if they dream that after the war England can be brought to change or go back on one phrase or word of this solemn pronouncement.

§ 14. That is the main point. But now there is a kindred point, which I commend to the notice of Indians as well as to my own countrymen at this juncture. The pronouncement is binding on the Secretary of State *in all its terms*. Under them he was sent here by the Imperial Cabinet, and, as I read them, it is not permissible for him to discuss whether such a declaration should have been made, whether responsible government is a feasible project in India, or whether,

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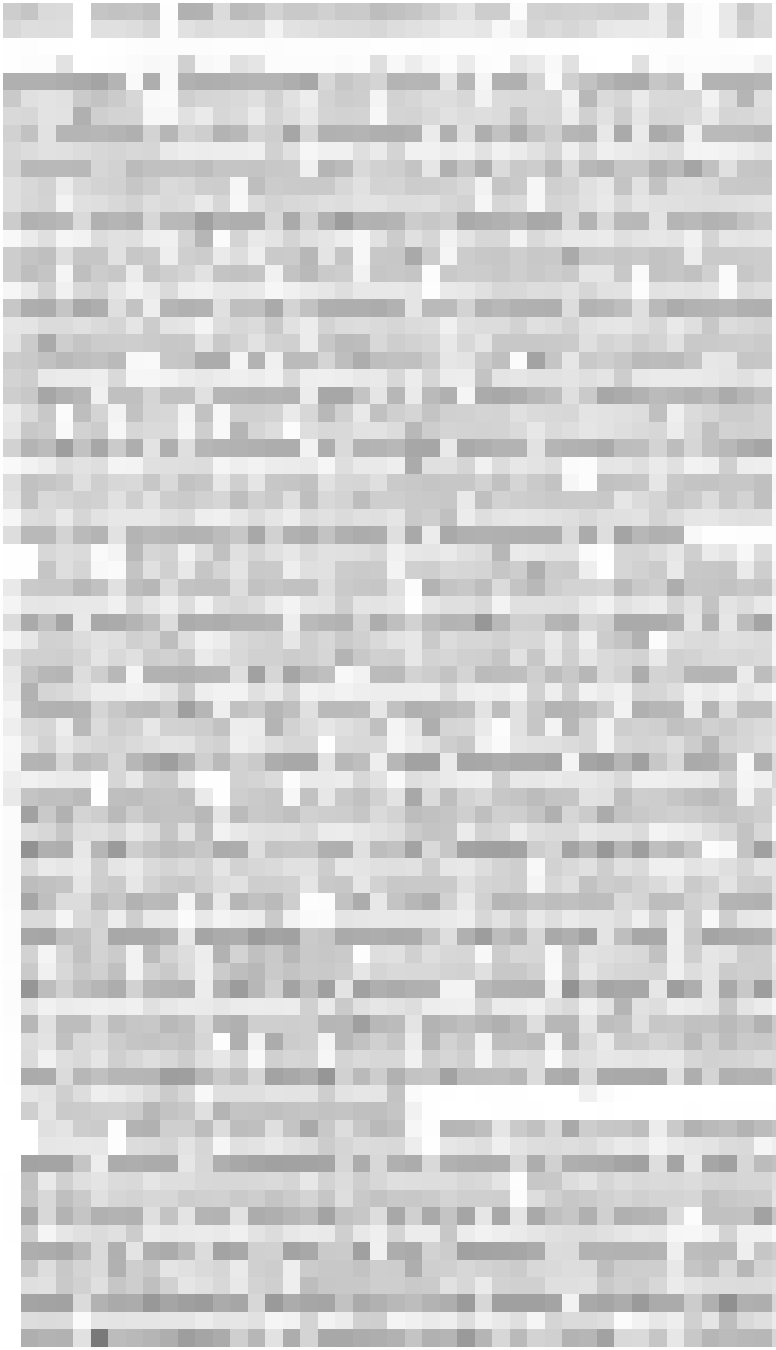

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LETTER III

ELECTORAL SYSTEMS FALSE AND TRUE

§ 1. THE steps by which the goal is to be reached, and especially the first of those steps to be taken, which must of necessity determine the character of all those which are to follow, are left for subsequent inquiry. The question before us is simply that of discovering the path whereby that goal can be reached most quickly. But in order to do that we must begin by glancing at the point from which we are to start. Except in the district and municipal boards there are no executives removable at the will of electorates. So far as the Indian and provincial governments are concerned, responsible government has no place in the existing constitution. In the last few years an Indian member has been appointed to each of the executive councils, but his responsibility to the Secretary of State differs in no respect

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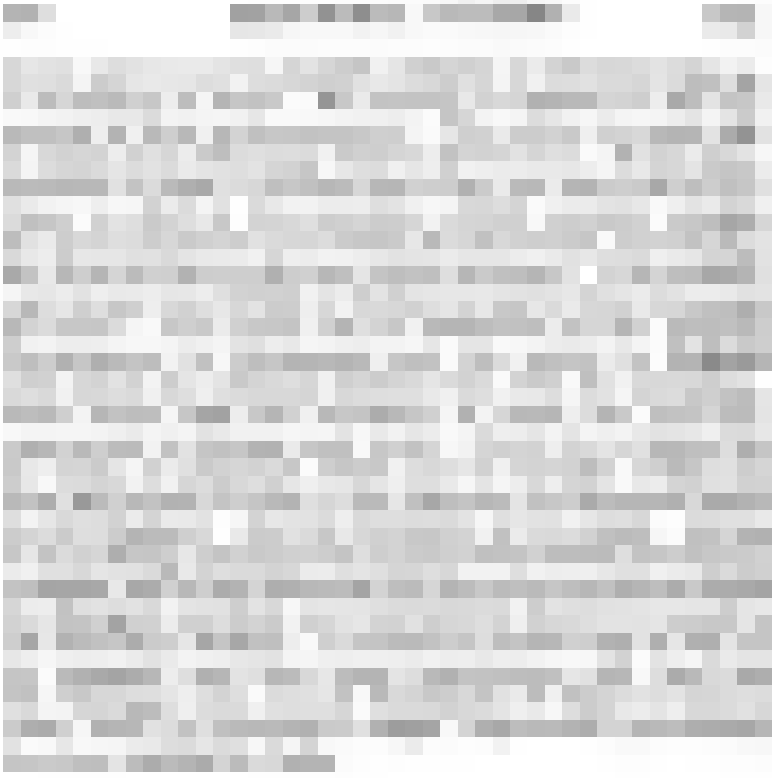

from that shared by his European colleagues. Like them he is called to office, and can be dismissed, by the Secretary of State.

§ 2. The legislatures consist partly of officials, who in the Governor-General's Council only are in the majority, partly of non-officials, mostly Indians, appointed by government, and partly of members, almost entirely Indian, who do not hold their seats by government appointment. From the latest returns it appears that the Imperial Council consists of 68 members, 27 of whom are elected. Of these 18 are elected to speak for sectional interests, either land-holders, Mohammedans, merchants, or manufacturers. The remaining 9, indirectly elected by non-official members of the nine provincial councils, are presumably intended to voice the views of the people at large.

§ 3. To illustrate the method of election, let us take the case of the member representing the United Provinces. His constituency consists of the 29 non-official members of the legislative council of that Province. Of these 29 members, 21 are elected. Of the 21 elected members, 8 represent sectional interests, and 13 the District and Municipal Boards. Of the 13, only 4 are directly elected by the Boards. The remaining 9 are returned by electoral colleges composed of delegates elected by district and municipal boards in each of nine divisions. The boards are directly elected; so at last we come to the bed-rock of primary voters. The voters to the District Board are simply nominated by the Collector. But he may not nominate more than 100 for any one tahsil, which means in practice not more than one in every 2,000 inhabitants. Educated Indians are accused of seeking an oligarchy under the guise of self-government. Here, in a law made by ourselves, the image of oligarchy was stamped on the system. This iron limitation is enough to show how little the fundamental problem of developing electorates figured in the minds of those who elaborated this travesty of an electoral system.

§ 4. We are now in a position to trace the electoral chain by which a member of the Imperial Council is supposed to represent a voter in one of these divisions.

1. The primary voter returns a member to the district or municipal board.
2. The Board returns members to an electoral college.
3. The college returns a member to the provincial council.
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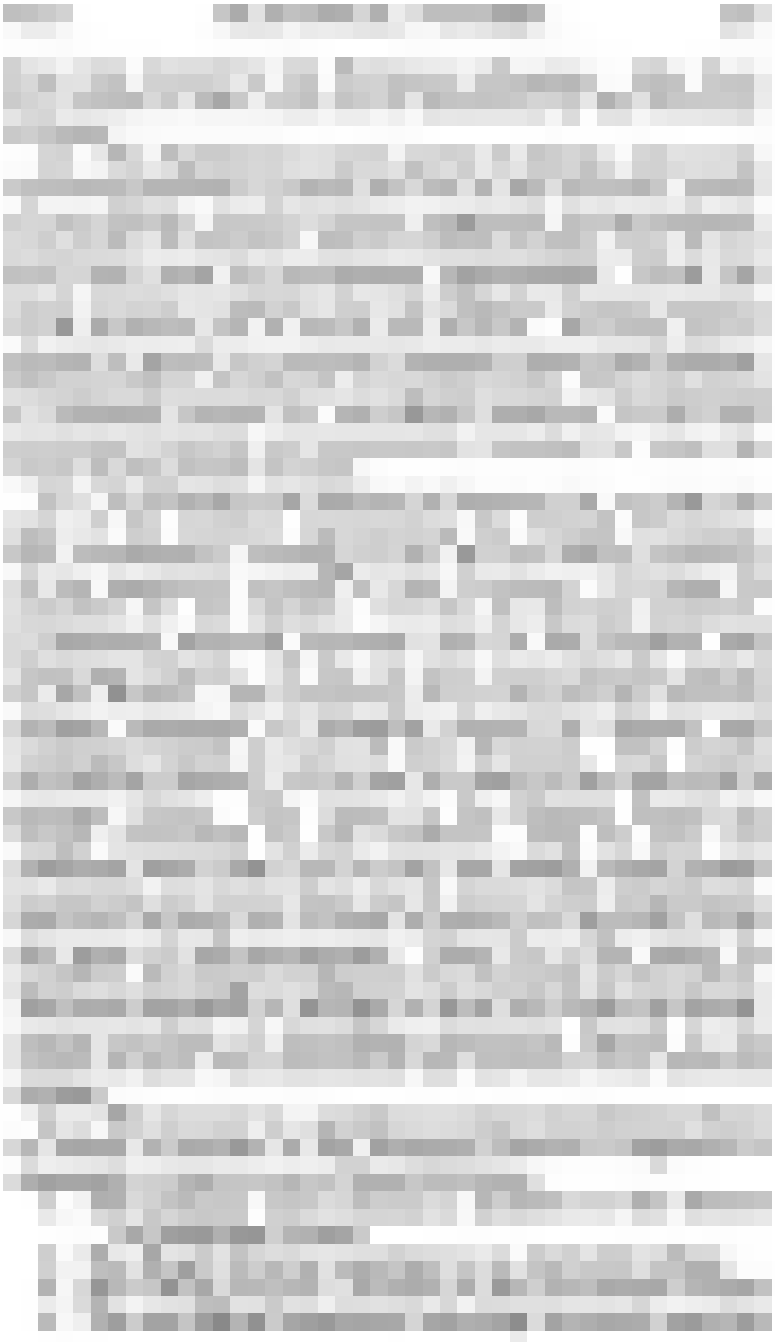
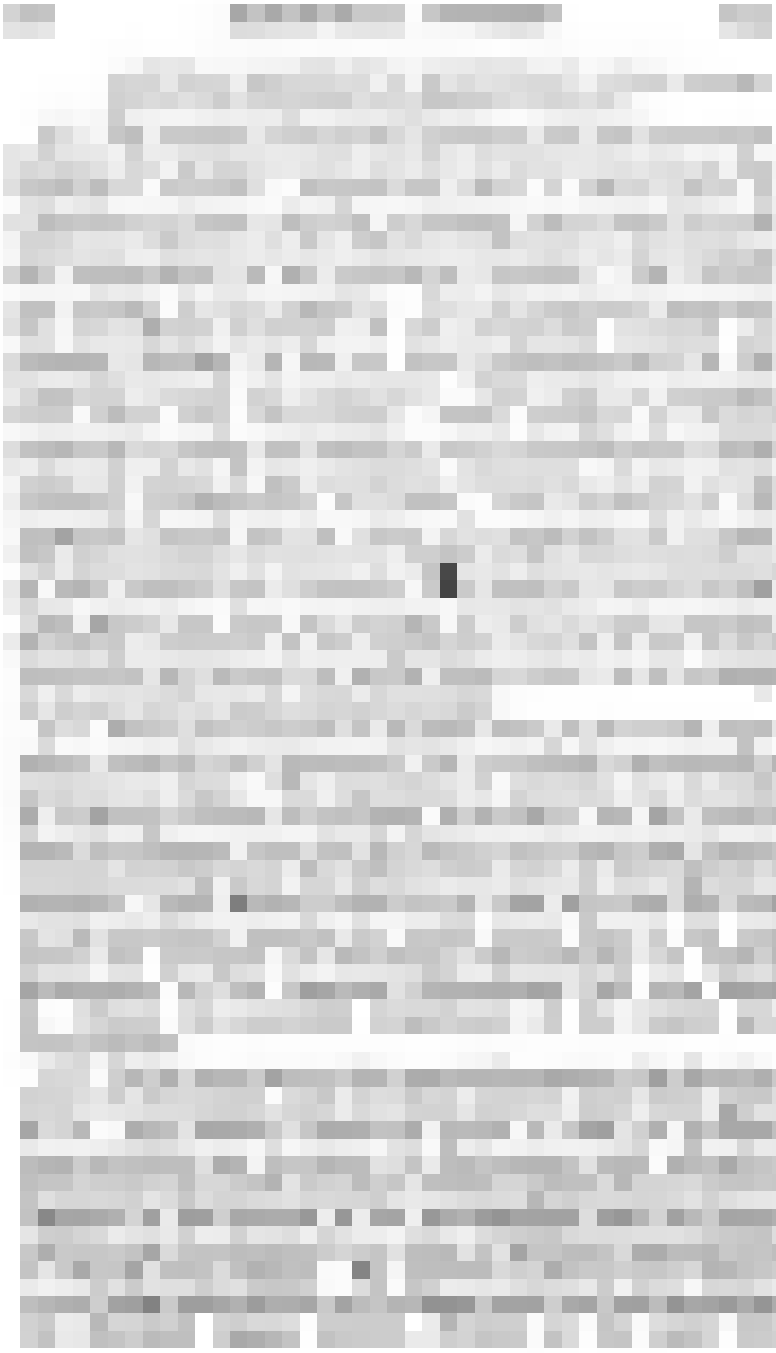


and those appointed by government, return a member to the Imperial Legislative Council.

§ 5. The system is one which destroys any real connexion between the primary voter and the member who sits on the legislative councils. Repeatedly have I asked those in a position to know, whether a primary voter casts his vote with any reference to the effect it will have in determining the composition of the legislative councils. The answer was always in the negative. For all practical purposes, the non-official members of the provincial councils are primary electors, so far as their representatives in the Imperial Council are concerned. They hold no mandate from those who elect them. Their position as elected members is purely and simply a voter's qualification, which takes the place of age, property, education, or any of the ordinary qualifications of voters. One member in the Imperial Council sits by virtue of a majority of 9 votes. The total number of votes, by which all the elected members of this Council are returned, can scarcely exceed 4,000. That gives less than an average of 150 for each member. Similarly, members of the legislative council of the United Provinces are elected by about 3,000 votes, or an average of about 143 for each elected member.

§ 6. From this analysis, it is plain that, so far as the legislative councils are concerned, the so-called representative system is a sham. The experience it provides can do little or nothing towards developing electorates, for the reason that the primary voter for the district and municipal boards cannot possibly trace the effect of his vote on the legislative councils. Lord Morley failed to see that this was the crux of the problem, because he would never face in his own mind the prospect of devolving responsibility on Indian electorates, as the Imperial Government has now faced it. Hence the practical importance of the recent pronouncement.

§ 7. Let us now turn to this essential question, the development of electorates, and see what answers have been given to it. One answer commonly given is that no political responsibility can be given to electorates until education is far more advanced and more widely spread than it now is. Implicit in this answer is the presumption that the future electors can be educated to a sense of political responsibility in schools and colleges. My answer is that if you were to cover India with schools and colleges until you had multiplied the educated classes tenfold, without at the same time



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giving them any instalment of genuine political responsibility, you would have rendered India ungovernable under any system. This I believe is exactly what has happened in Russia. There, public responsibility was limited to municipal and district bodies. In the Imperial and provincial Governments, the educated classes were confined to criticizing the executives, over whom they had no control. In the political sphere they were left without responsibility for seeing that the government was carried on. The natural result is that they have been able to destroy government, but have proved utterly incapable of evolving any government of their own, which they could bring themselves, let alone the illiterate majority, to obey. The results are before us, if only in the awful silence which envelops Russia, and recalls those hours in the Black Hole of Calcutta. So deadly and so general is the struggle of each for himself, that no one is able to tell those without of the tragedy in progress within. May the wisdom of her rulers deliver India from a like fate! But that cannot be done by denying education to her people. They must have education, and more and more of it; but the result will be the same as in Russia, unless side by side with increasing education is given a steady and progressive increase in political responsibility.

§ 8. The truth is that schools and colleges can do no more than teach people how to learn. They can impart knowledge, but wisdom can only be learned in the school of responsibility. It can only be taught by leaving men to suffer by the results of the things which they themselves do; still more, by the results of the things which they leave undone.

§ 9. Last year I visited a village in Central India where some people had died of cholera. The villagers had promptly gone to the police station, obtained permanganate of potash, put it in the wells, and stopped the cholera. The commissioner, with whom I was camping, told me that only a few years before the police had been mobbed for attempting to disinfect the wells. The change had come about, because, in their own experience, they had seen that permanganate in the wells will stop cholera. Now let any one consider whether this practical truth would have come home to them, if it had only been taught them in text-books. School teaching will help to disintegrate the deadening effect of custom, to open the eyes of the mind to new ideas, and enable a community to read the lessons of experience

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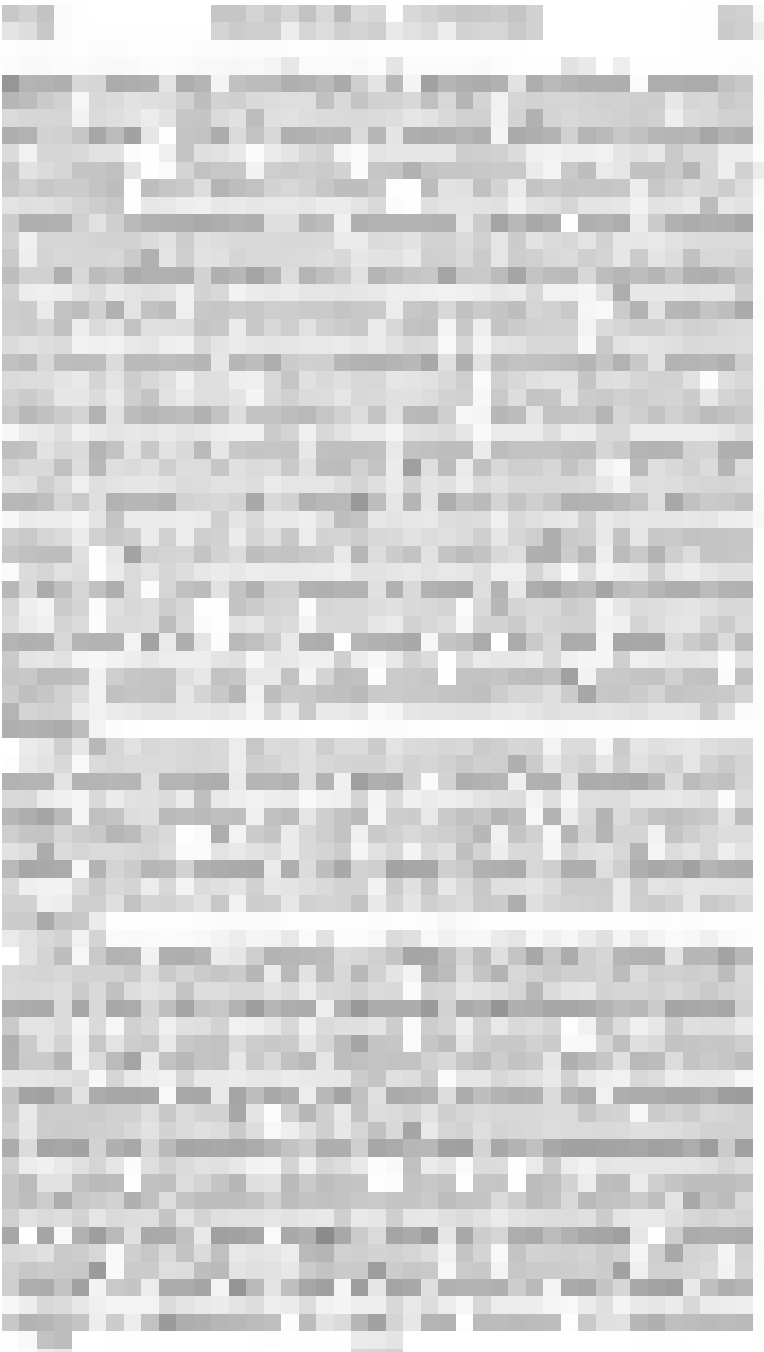

more quickly. But the practical lessons of life must come from experience itself. Without experiencing the results that follow the giving of votes, under a system so simple as to make that experience easy to read, education will operate to unfit a people for responsibility in public affairs. The two things must go side by side. The educational value of the present electoral system is destroyed by its complication, and also by the fact that members have no function but criticism, and no responsibility laid upon them. And hence there is none laid upon the voters. But their judgement cannot be developed except by a system which enables them to trace the results of their votes on their own lives; in plain words, by some responsibility.

§ 10. In the making of electorates a quality more difficult to develop, even than judgement, is discipline. The hardest lesson a raw electorate has to learn is that of giving the rulers they elect power to rule. The obedience upon which government is founded, even in autocracies, is at root moral. Despotism rests on a basis of theocracy, on the idea of a law delivered on Horeb. The obedience rendered by his subjects to an Indian prince is inspired by the belief in his divine title to rule. It is not force which makes the Indian peasant so docile to British rule, so much as an ingrained conviction that power to rule is of itself an evidence of divine authority. To this title the Kaiser is constantly appealing. It has enabled the Czars to rule Russia for centuries. But the idea is one which will not stand the disintegrating force of education. If relied upon too long, it suddenly collapses, as in Russia. And then a people undisciplined by any sense of responsibility outside the sphere of district, village, or town life, are called upon to obey men elected to rule the province and the nation. The old principle of obedience is suddenly shattered, before they have had time to acquire the only alternative principle, which is the habit of obeying rulers in the general interest and because they represent the general authority. Self-government rests on a sufficient capacity in enough individuals to put the interests of others before their own. It is the Sermon on the Mount reduced to practice in the field of politics. This habit can, I firmly believe, be produced in any people by constant and increasing exercise. But it is contrary to all reason and all experience of human nature to suppose that it can be produced without the exercise of responsibility, steadily increased as the habit becomes more fully acquired and more widely spread. Mr. Montagu's

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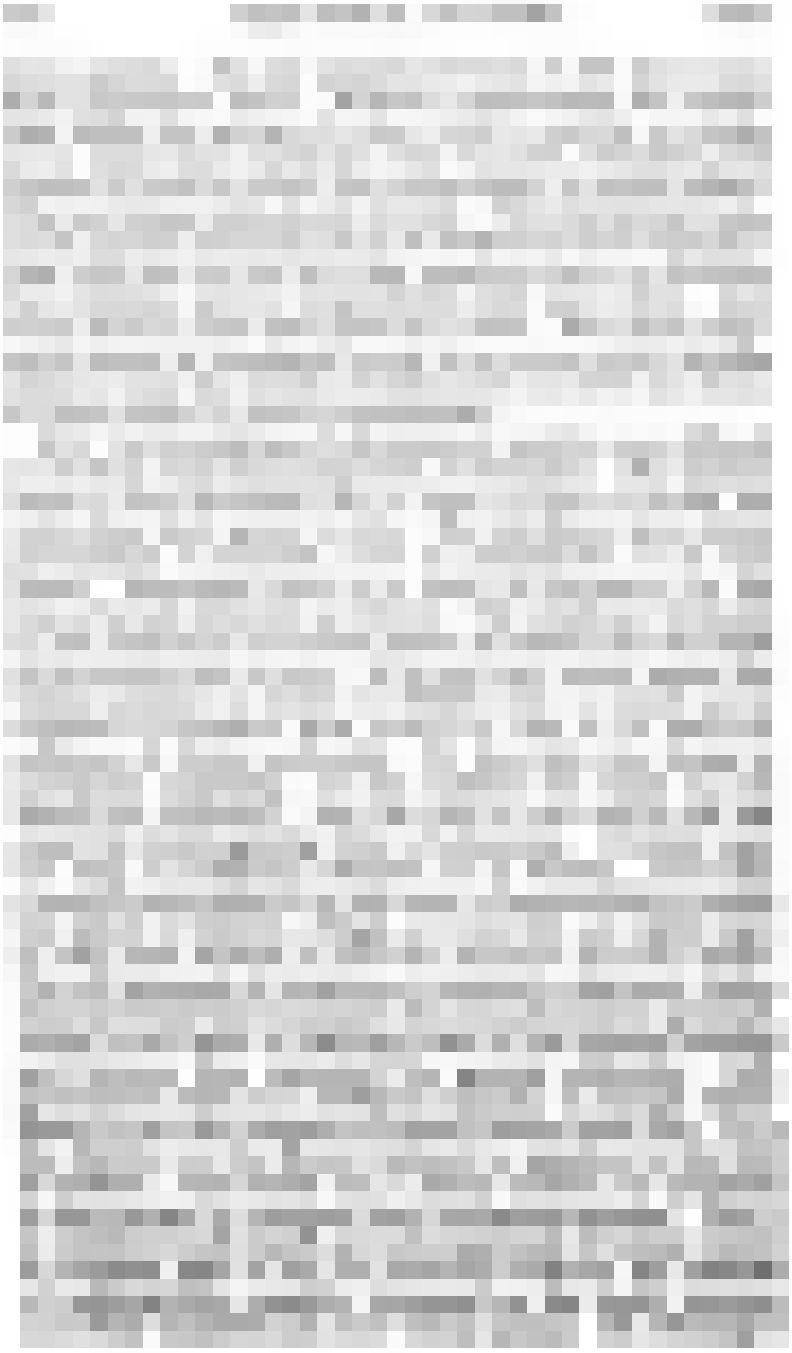

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§ 11. To put the matter in a nutshell, the view—long current—that an improvement and extension of education is the key to the political problems of India, is a dangerous half-truth. It is but a fragment of the true key, and if tried alone, will break, with the results inevitable when a lock is jammed by a broken key.

LETTER IV

THE EXISTING SYSTEM AND ITS LOGICAL OUTCOME

§ 1. The best that can be said of the existing system is that it has introduced to the legislatures an element whose point of view is other than that formed in official experience. I believe that legislation and public policy have benefited by the public criticism of laymen. But it trains those laymen merely as critics. It provides no training in, and no test of, administrative capacity or statesmanship. The leaders who emerge and figure in the public eye are necessarily those who can criticize most effectively in the English tongue. They are never put to the test, nor trained by the necessity of having to do anything themselves.

§ 2. In all provincial councils non-officials are in the majority. In Bengal the elected members alone are in the majority. To these majorities are opposed a minority of British officials bound by the express orders of the Government of India to vote, in every division, in accordance with orders issued by government. I do not know the reason for these orders. In the Transvaal and Orange River Colonies, where I watched the same system under Crown Colony government, officials were left free to vote according to their own judgement on all but questions of primary importance, those, generally speaking, which, under responsible government, might involve a change of the ministry. I do not think the government whip was issued on half a dozen divisions in the session. Official members were free to speak, and in doing so often influenced the government in the direction desired by the non-official members. In the Indian councils no official may speak, except at the instance of the executive. In the Transvaal there was no

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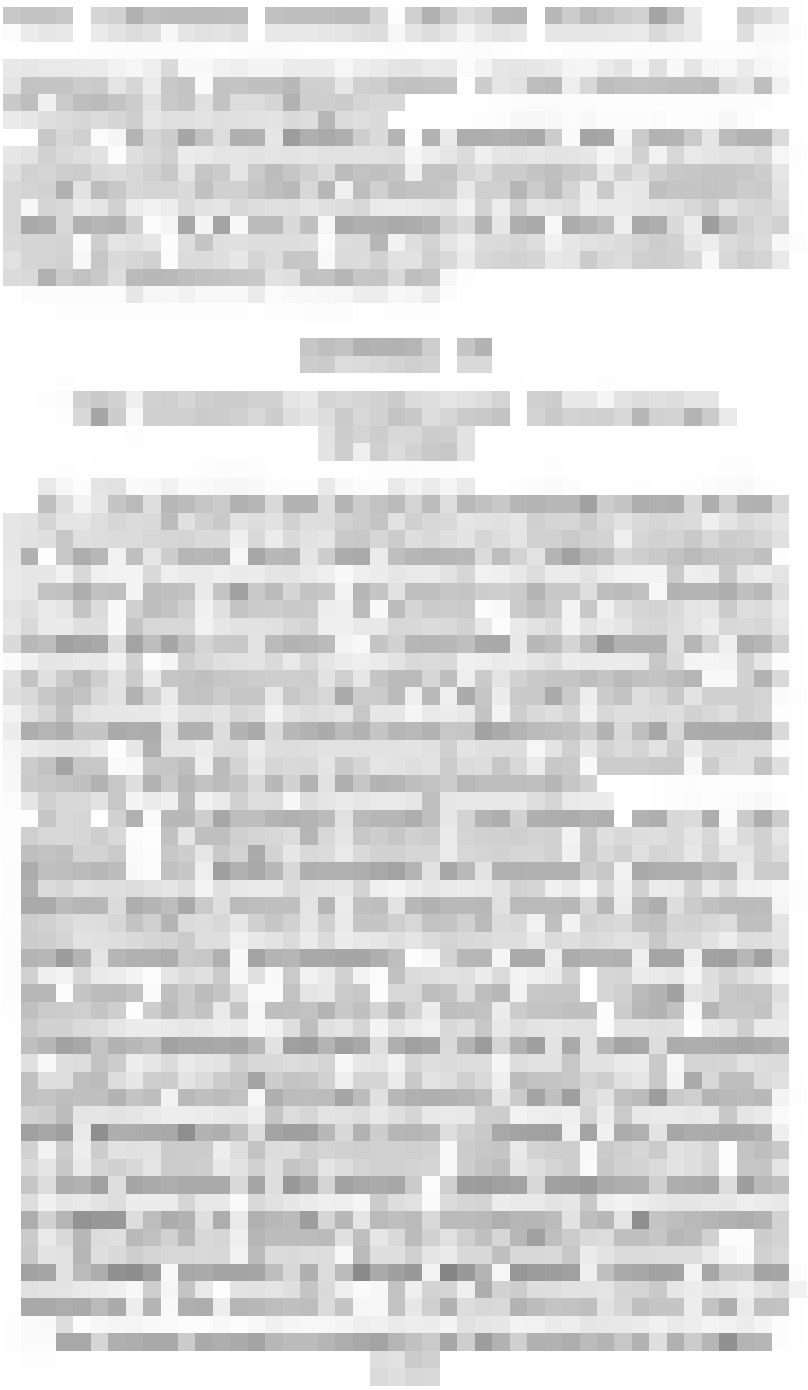


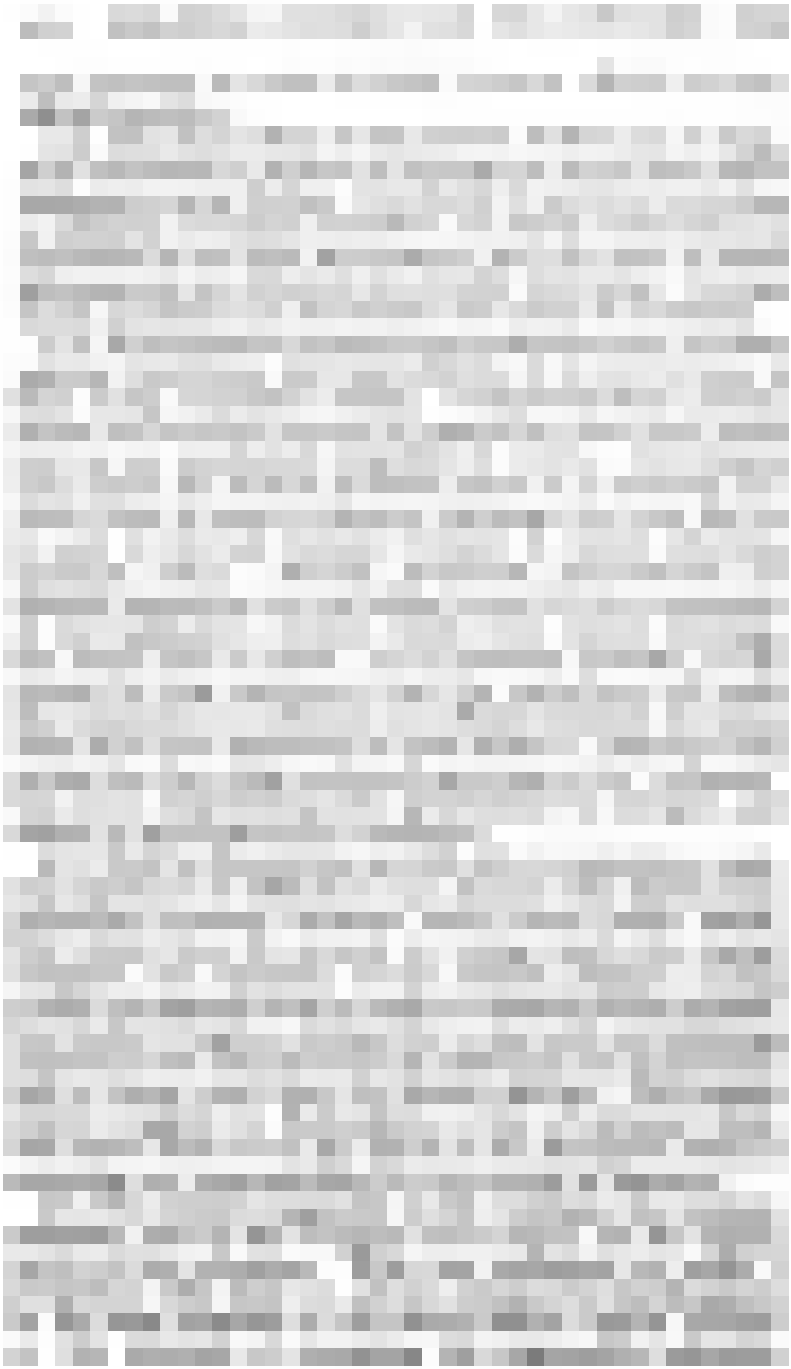
such cleavage as exists in India between official and non-official members.

§ 3. The whole effect of this system strikes one as singularly calculated to produce a cleavage on racial lines, and to exasperate racial feeling. Inevitably it operates to produce a solidarity of Indian members, on purely racial lines, in opposition to an alien government, and the cases in which governments are defeated are steadily increasing. In plain words, moderates are forced into the camp of extremists.

§ 4. If government proposes unpopular measures, or resists popular resolutions and amendments, it is not because it likes doing unpopular things. Unrepresentative governments are far more nervous of opposition than those which rest on an ascertained majority of voters. Government only resists the elected members where it is honestly convinced that it cannot otherwise discharge the trust laid on it, and in the last instance because it cannot otherwise maintain order. Already provincial governments are directly dependent on non-official votes for the concurrence of the legislature, without which they cannot discharge the duties laid on them. Is it humanly possible, if this system be long continued, that the executives will resist the temptation to influence non-official members by means other than pure argument in open debate? Wherever this system has been long continued, government by 'influence' has set in, degenerating into government by intrigue, and ending in government by corruption.

§ 5. How far Executives are still able to maintain a working majority it is difficult to say, because they shrink from proposing necessary measures which mean public defeat. But where they do succeed in voting down the elected members, the spectacle of the British phalanx casting a solid vote against them by order is irritating in the extreme. Inevitably it begets a demand for a clear and overwhelming majority as the natural means of relief from the exasperation felt on being voted down by British officials. The present system suggests to Nationalists a line of advance which will enable them to tie the hands of the Executive without assuming any responsibility for the results of inaction.

§ 6. The schemes suggested by Mr. Gokhale, the nineteen members, and by the Congress and League, are the logical result of this situation. With one exception, to which I propose to refer later on, all the schemes for development on the lines initiated in the Morley-Minto reform proceed on this principle of strangling the responsible executive



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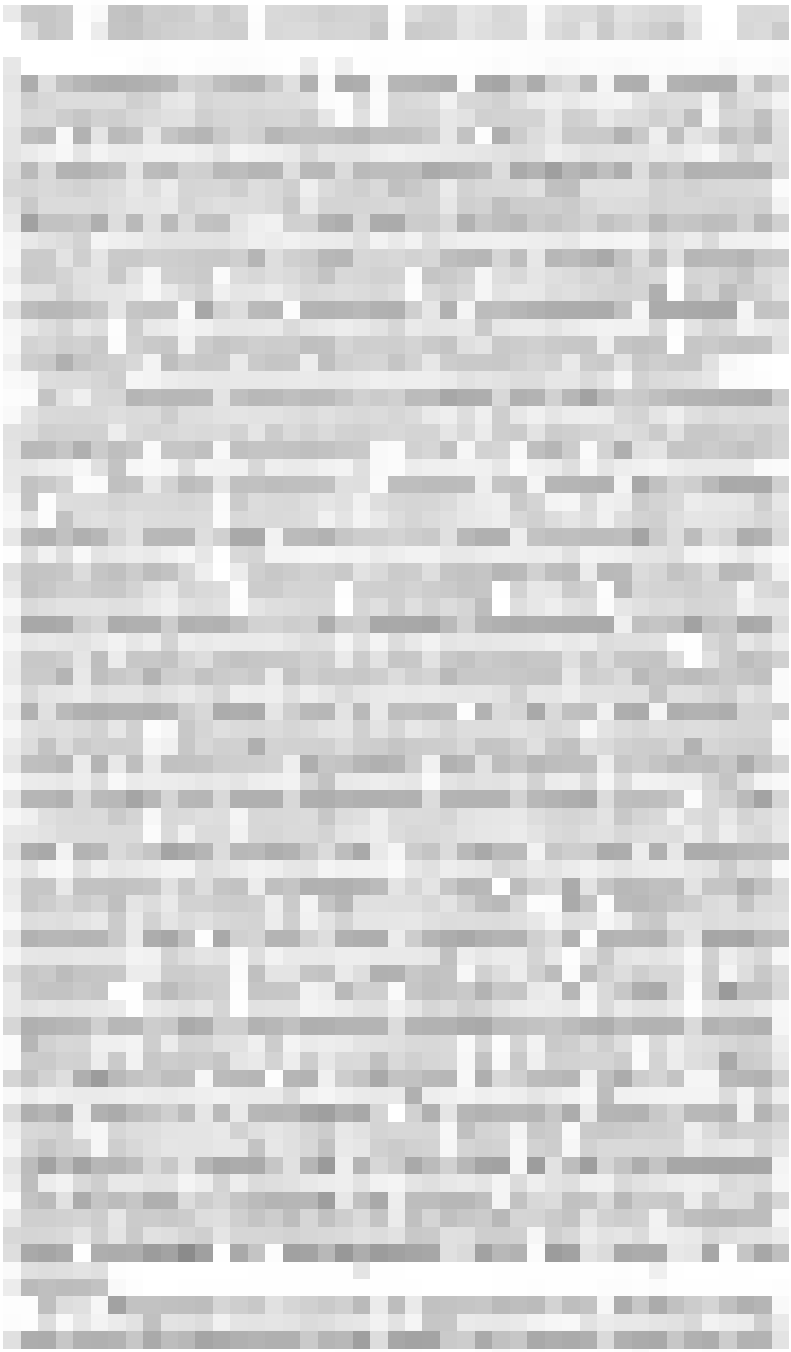
§ 7. I propose, therefore, to examine this idea of increasing popular control on horizontal lines in the case of the existing executives and legislatures. Let us take the executive first. The vital question, I submit, by which any scheme of government should be tested is this—*to whom is the executive under that scheme to be made responsible for their final decisions?* There are two alternatives and two only : Executives may remain responsible to the Secretary of State, which means to the Imperial Parliament, or else they may be made responsible to an electorate in India. There must and should be divisions in electorates and legislatures. In executives there can be none, so far as the public is concerned. All experience demonstrates that, unless government is to come to a standstill, the members of executives must thrash out their differences within closed doors. When a member of an executive council is voted down, he has but two courses before him : to resign, or else to support the decision of his colleagues, if only by his silence loyally observed in private as well as in public. Mr. Balfour once declared that he had often supported in public debate proposals which he had opposed in the privacy of the cabinet. Every man with experience of public affairs knows that this is an essential condition of executive action. Before a member of an executive is at liberty to explain his differences with his colleagues he must quit it. They must cease to be colleagues. In executives there must be unity, and it is for that reason that the selection of his colleagues is usually left to the head of the government. The principle of electing the cabinet by the caucus of the party in power, introduced in Australia, has now, I believe, been discarded as incompatible with the unity of the cabinet.

§ 8. Proposals are on foot to introduce two Indian members into the executives here, and I very much hope they will



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§ 7. I propose, therefore, to examine this idea of increasing popular control on horizontal lines in the case of the existing executives and legislatures. Let us take the executive first. The vital question, I submit, by which any scheme of government should be tested is this—*to whom is the executive under that scheme to be made responsible for their final decisions?* There are two alternatives and two only : Executives may remain responsible to the Secretary of State, which means to the Imperial Parliament, or else they may be made responsible to an electorate in India. There must and should be divisions in electorates and legislatures. In executives there can be none, so far as the public is concerned. All experience demonstrates that, unless government is to come to a standstill, the members of executives must thrash out their differences within closed doors. When a member of an executive council is voted down, he has but two courses before him : to resign, or else to support the decision of his colleagues, if only by his silence loyally observed in private as well as in public. Mr. Balfour once declared that he had often supported in public debate proposals which he had opposed in the privacy of the cabinet. Every man with experience of public affairs knows that this is an essential condition of executive action. Before a member of an executive is at liberty to explain his differences with his colleagues he must quit it. They must cease to be colleagues. In executives there must be unity, and it is for that reason that the selection of his colleagues is usually left to the head of the government. The principle of electing the cabinet by the caucus of the party in power, introduced in Australia, has now, I believe, been discarded as incompatible with the unity of the cabinet.

§ 8. Proposals are on foot to introduce two Indian members into the executives here, and I very much hope they will

be adopted. But the suggestion that these two members should be elected by the non-official members strikes at the root of the first principle of executive government. Responsibility of an executive means that the members of that executive are appointed and can be removed by the authority which appoints them. It means, therefore, that they must be able to explain their conduct to that authority. This proposal means that while three members of an executive council are to remain responsible to the Secretary of State, the two others are to be made responsible to the elected members. When they differ from their colleagues they are placed in a wholly false position. If they are loyal to their colleagues, they cannot explain their position to their electorate. Nor can they explain their position to their electorate without divulging the secrets of council. And if, to escape the falsity of this position, they resign, how then are their places to be filled? The same electorate can only return two new members charged to maintain the difference with those responsible to the Secretary of State. Such an arrangement can be fruitful in nothing but misunderstanding and anger, leading to deadlock. If, as I hope, there are to be more Indian members, they must be appointed by the Secretary of State, and be responsible to him on the same footing as their colleagues. Or else all must be responsible to an electorate on the same footing.

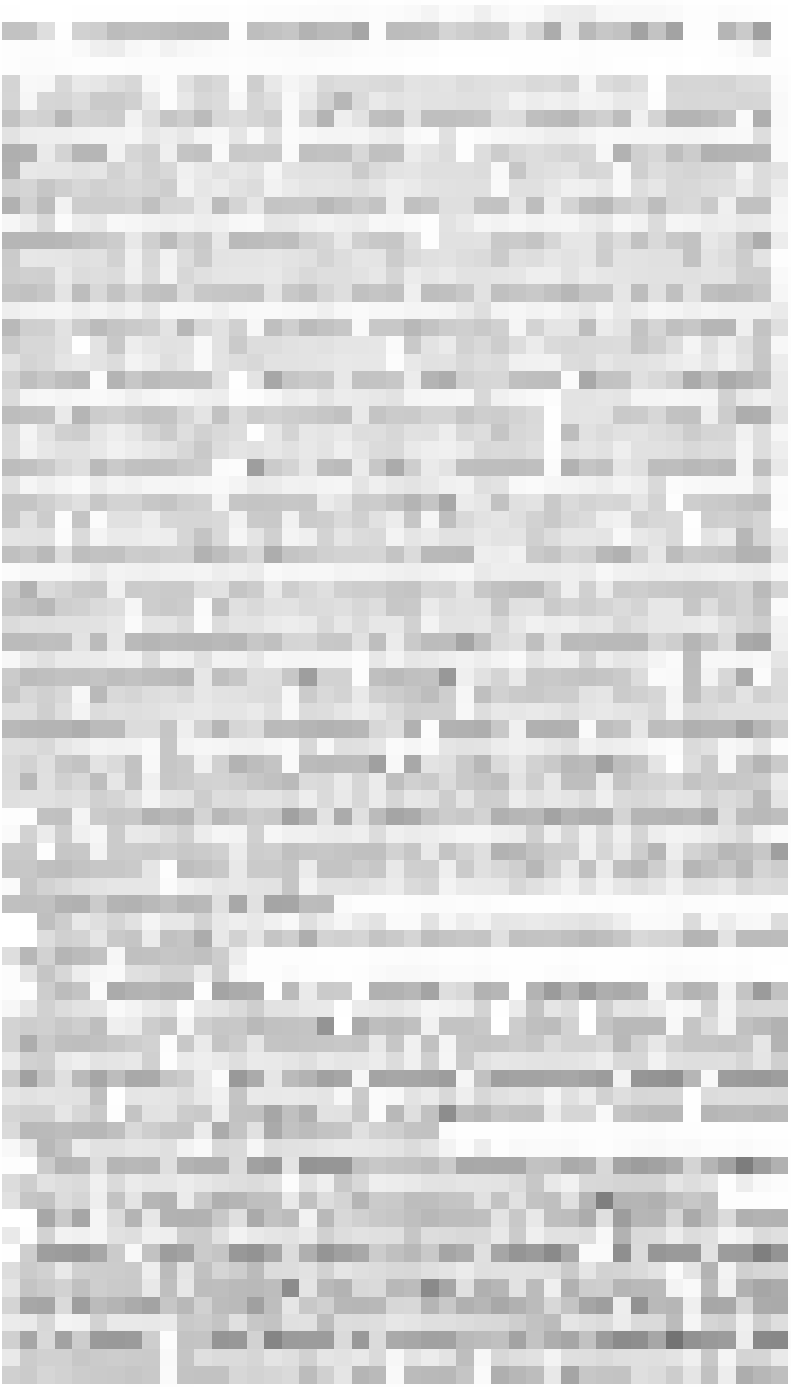
§ 9. We may now turn to plans for increasing control over all the functions of government as applied to the existing legislatures. The steps which can be taken in this direction are few and easy to trace.

The first step is to give the elected members a clear and decisive majority.

The second step is to divide the estimates into two sections, one containing police and other items of vital importance, to be reserved as at present to the control of the executive; the other section containing items which are left at the disposal of a legislature in which elected members have the decisive voice.

The third and last stage is to submit the whole budget, that is to say supply, to the control of the legislature.

§ 10. To begin with, it is necessary to note that the word 'control' may mean either of two things. It may mean the power of deciding that things are to be done. It may also be used to mean a power of deciding that they are not to be done. If the fabric of society is to be maintained, the government must in the last resort have power to do any-



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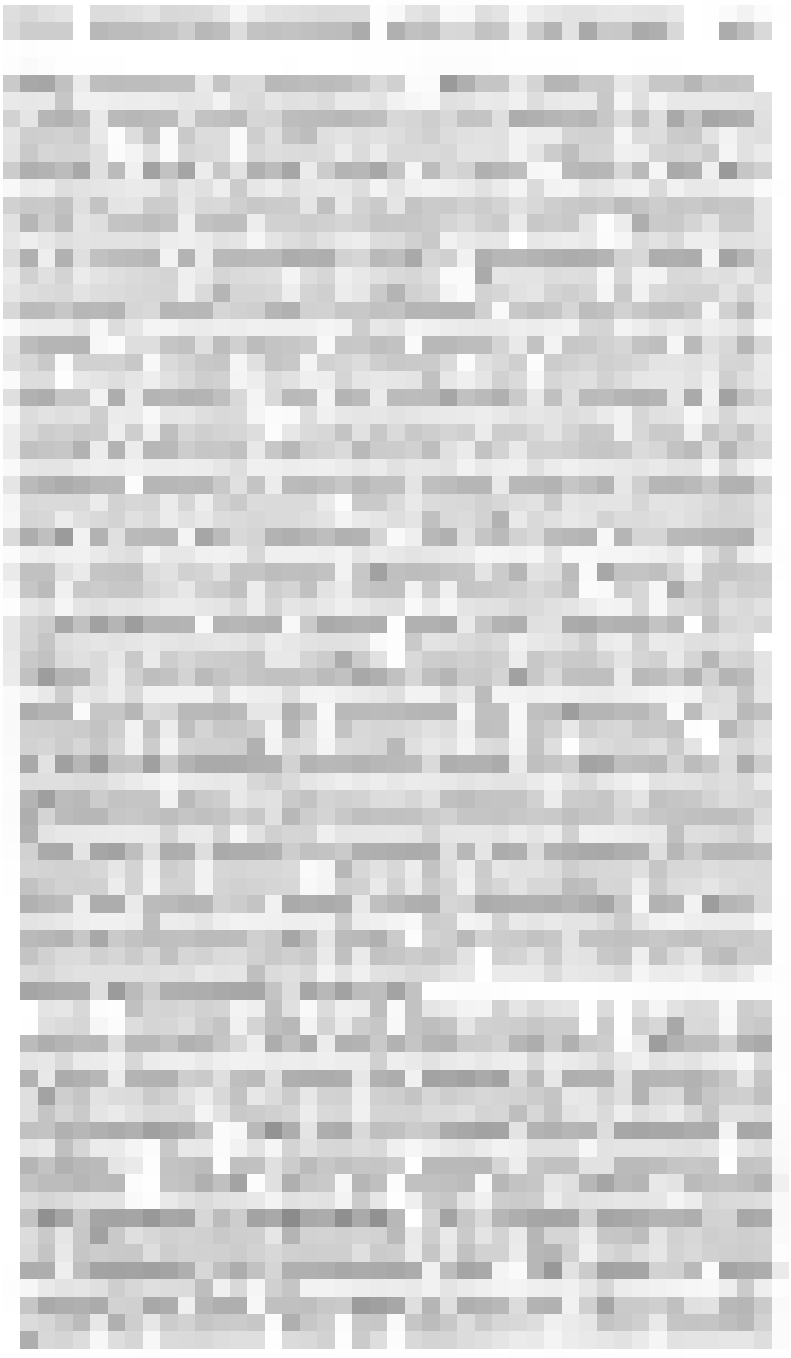
thing necessary to maintain it. Before taking a decision, it may expose itself studiously to the influence of external opinion. It may modify its policy in a great variety of details to meet a great variety of views. But in the last analysis it will be faced by the necessity of making decisions which conflict with certain feelings and views. There may be all kinds of knowledge which a government lacks and which outside opinion can supply. But there is a kind of knowledge which actual responsibility, and that alone, can supply. A government which cannot or will not in the last resort apply that knowledge, and interpret it into action, is doomed; and the community it governs is also doomed to anarchy. A government may know that order cannot be enforced unless criminals are convicted, and that criminals cannot be convicted unless adequate protection can be given to witnesses. The existing law may not enable them to give this protection. The law must be changed, and, unless the necessary legislation can be passed, crime will increase until social order is destroyed. In England a government which cannot pass such legislation as it feels to be necessary, resigns. Another assumes its responsibility; and that responsibility brings the same knowledge, until both parties are convinced by experience of the necessity of making the change in the law required. But in India the existing executives cannot be removed by the legislatures, and, if they are to maintain order, cannot be divested of power to pass necessary laws however unpopular. They may and should be exposed to the influence of public opinion to the utmost. But in the last analysis they must have the power to decide which responsibility for maintaining order places upon them. The control which a government must have cannot be divided. It can only be undermined and gradually destroyed.

§ 11. The first step in all these schemes is to give the elected members a clear and decisive majority. When this is done there is no reason for keeping a small phalanx of official voters, who are not needed to speak, at the disposal of government. They are not needed when measures are popular; they are perfectly useless when measures are resented. Indeed, they are worse than useless, because their presence is exasperating. Mr. Gokhale proposed that the official members should not be more than were necessary for explaining the government case. He seems to have realized that their votes cease to have any value as a safeguard the moment they are reduced to a clear minority.



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The proposal to give a clear, decisive majority of elected members is equivalent to placing the executive at the mercy of a wholly elective council, unable to change the government and with no responsibility for seeing that it is carried on. The question which ought to be considered is whether any government under any circumstances ought to face that position.

§ 12. I know what is in the back of the minds of some of those who advocate such measures. They believe that the 'influence' of Government with a balance of members will suffice to secure them enough votes on most critical divisions. In its power of patronage, and of conferring titles and dignities, any government in India has means of influence far greater than exist elsewhere. It is the most upright government in the world; and yet, if you put it in such a position, it will infallibly yield to such temptation, without realizing, to begin with, that it is doing so. In any case it will suffer from the belief in the minds of its opponents that such means are used. In India it cannot escape that imputation. Under the existing system the imputation is already being made.

§ 13. The above remarks apply to the first stage, that in which the control of legislation is abandoned by the executive to the elected majority of the legislature. We now come to the second stage, that in which the executive retains control of funds needed for police and other vital services, while abandoning the appropriation of the balance of the revenue to the elected members. To begin with, this concession is largely illusory, because the real bone of contention is the allocation of funds between police and education, that is to say, between the two different sections of the estimates. The arrangement will not prevent elected members from attacking the executive for appropriating too much revenue for police, and for leaving too little for the heads submitted to the control of the legislature. The president can scarcely rule such speeches out of order. They will figure conspicuously in every budget debate, and help to aggravate the public temper. Now it is noticeable that, in the provincial legislatures, attacks on the Government of India for their military expenditure play little part, and unless sufficiently veiled, could be ruled out of order from the chair. In the district boards attacks on the provincial government for not reducing police expenditure, in order to give the boards more revenue for education, are not heard at all.

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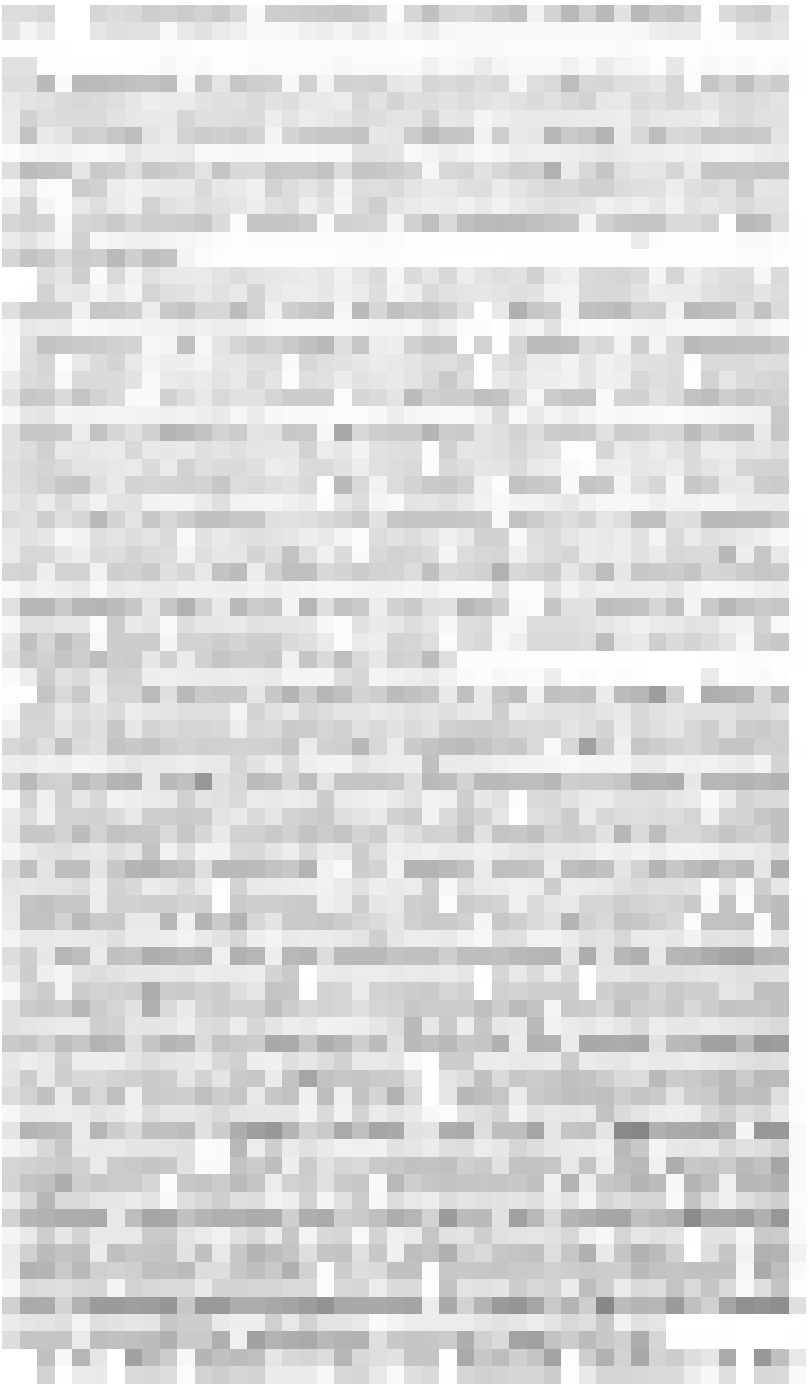

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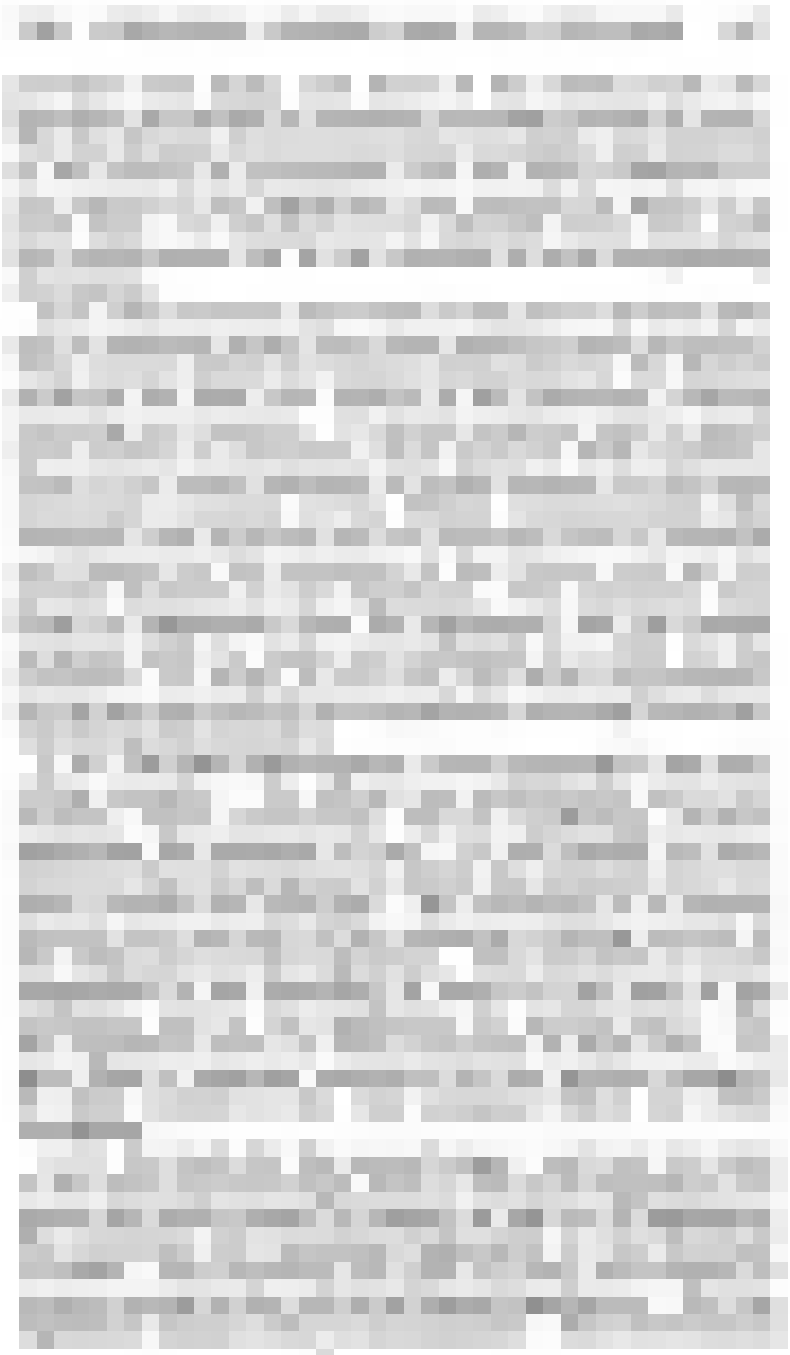
province with India, and those of the district with the province, are settled by contracts covering a period of years. But the division of the revenue into two parts—one reserved to the control of government, and the other submitted to the control of the legislature—can scarcely be made on a fixed basis. It will have to be adjusted every year, and the readjustment will be the occasion of most exasperating discussions.

§ 15. The executive know that if they are to do their duty and to maintain order, they must spend so much on police. They cannot afford the balances demanded by the elected members for their own section of the estimates, without imposing new taxation. If elected members wish to spend more money on education, there must be fresh taxation. Now it is a sacred principle of public finance, in the most democratic countries of the British Commonwealth like Australia, that proposals for new taxation must be initiated and framed by the ministers of the Crown, and not by private members in the legislature. The executive may listen to suggestions from the legislature, but the formal proposal must be made and embodied in a Bill by the executive. In India, at any rate, the whole responsibility for the new tax, and all the unpopularity accruing therefrom, will rest on the executive.

§ 16. The able administrator, whose proposals I am criticizing, remarks : 'No official can satisfactorily serve two masters, whose instructions will be conflicting, without neglecting the interests of one.' It will readily be seen, however, that the proposal to divide the estimates into two parts violates this principle. The executive is to reserve control over one part of the estimates, yielding control of the other part to the legislature. The executive is to be responsible to the Secretary of State for one part of the estimates, and to the legislature for another part. For the legislators have no other executive of their own. To give them a separate executive for the matters assigned to their control is the very proposal which my critic condemns.

§ 17. So much for the second stage ; and now we come to the third and last stage, that in which the legislators are given the whole control of supply as well as of legislation, the executive still remaining responsible to the Secretary of State. The executive can pass no laws, and obtain no money, except by the will of an elected legislature. But the legislature cannot remove the executive. The Government



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§ 18. So far I have been discussing proposals which are the necessary and logical outcome of the Minto-Morley reforms. Schemes devised on that principle differ mainly in the distance they propose to go down one and the same road which ends in a precipice. The Congress League scheme would lead India to the very brink. To take one of its provisions only, it is laid down that executives, whether national or provincial, are bound by a resolution twice passed within thirteen months, despite the veto of the Governor-General. Let us take two not improbable cases. Suppose that a resolution is twice passed, obliging the executive to make primary education universal and compulsory within a given time. Such a step would involve a vast increase of taxation. But the whole onus of framing the necessary measures of taxation is left to the executive. That the legislature would shrink from passing such measures is more than probable. The executive would then be in a position of having to execute orders without the means of doing so. The legislature is to have power of issuing orders without the obligation of providing the funds to pay the cost. Such a scheme is impossible from the outset. It is also the negation of responsible government.

§ 19. Then again the legislature might order the executive to reduce the expenditure on police by one half. Such orders might involve an actual violation of contracts legally binding on government. It might also, in the judgement of the executive, involve an outbreak of public disorder. The opinion of the Governor-General would already have been recorded in his abortive veto, which would certainly not have been given without reference to the Secretary of State. As public spirited and honourable men, the executive, and indeed the Governor-General himself, would have no choice but to resign. The Secretary of State could not find others to take their place, and, without violating his conscience, could not ask them to do so. A deadlock with all its perils would be the result. 'I would press', writes one of the advocates of this scheme, 'for substantial control of government until we can get responsible govern-

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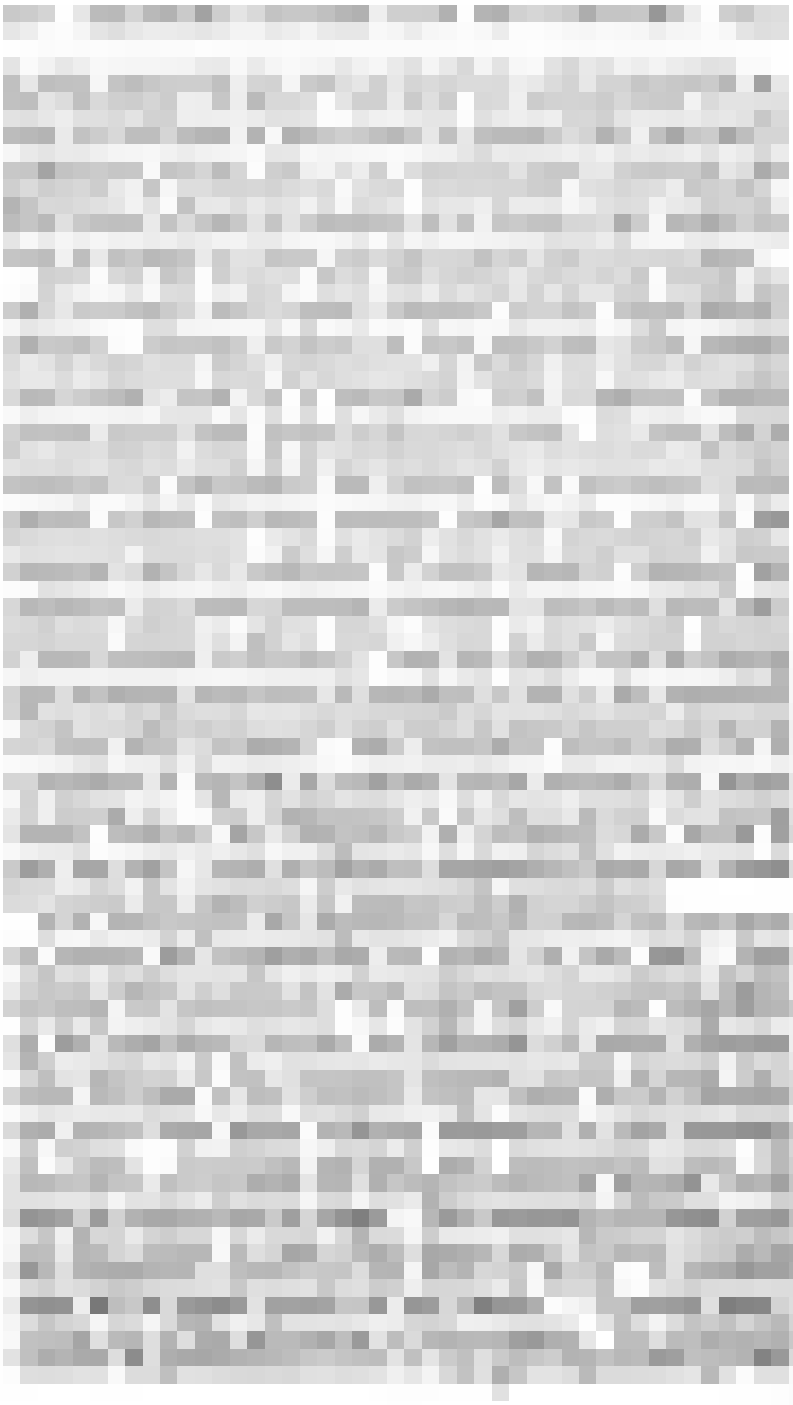

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§ 20. As one who desires to see responsible government established in India as quickly as possible, I venture to differ. Responsible government can and will be attained by straightforward means. It will not be attained by means designed to destroy all government in the process.

§ 21. The vital defect of the Minto-Morley principle is that it leaves the whole responsibility for government on one set of men, while rapidly transferring power to another set of men. It operates to render electorates less fit for responsible government, instead of more so. It creates a situation eminently calculated to exasperate the executive and legislature with each other, and therefore to throw the British Government and the Indian community at large into a posture of mutual antagonism. The elected members, untempered by any prospect of having to conduct the government themselves, have everything to gain by harassing government, and preventing it from passing the measures which it knows to be vital. In actual practice what happens is, not that government is defeated, but rather that it shrinks from proposing measures which it knows it cannot pass. The nerves of the state are slowly but surely paralysed. The elements of disorder grow and raise their heads. Every necessary measure for preserving order is denounced as an act of tyranny. The foundations of law decay, until suddenly, as in Ireland, the whole structure collapses, order has to be restored at the cost of bloodshed, and the growth of constitutional government is indefinitely postponed. No government suffering from creeping paralysis can maintain its prestige. Even in India the prestige of government does not depend upon outward show, upon ceremonies, uniforms, salutes, and the like, but simply on ability to discharge its functions. I regard the future establishment of responsible government in India as the greatest achievement in which my own race can share. But government, as the leaders of the Russian revolution are discovering, is the only possible basis of self-government. Home rule could be given to Scotland or Wales, if they asked for it, to-morrow. The real difficulty of giving it to Ireland is that government has never been firmly established in that country. In India no measures are real steps to self-government which operate to render it ungovernable in the process. Under the plan proposed, no elective

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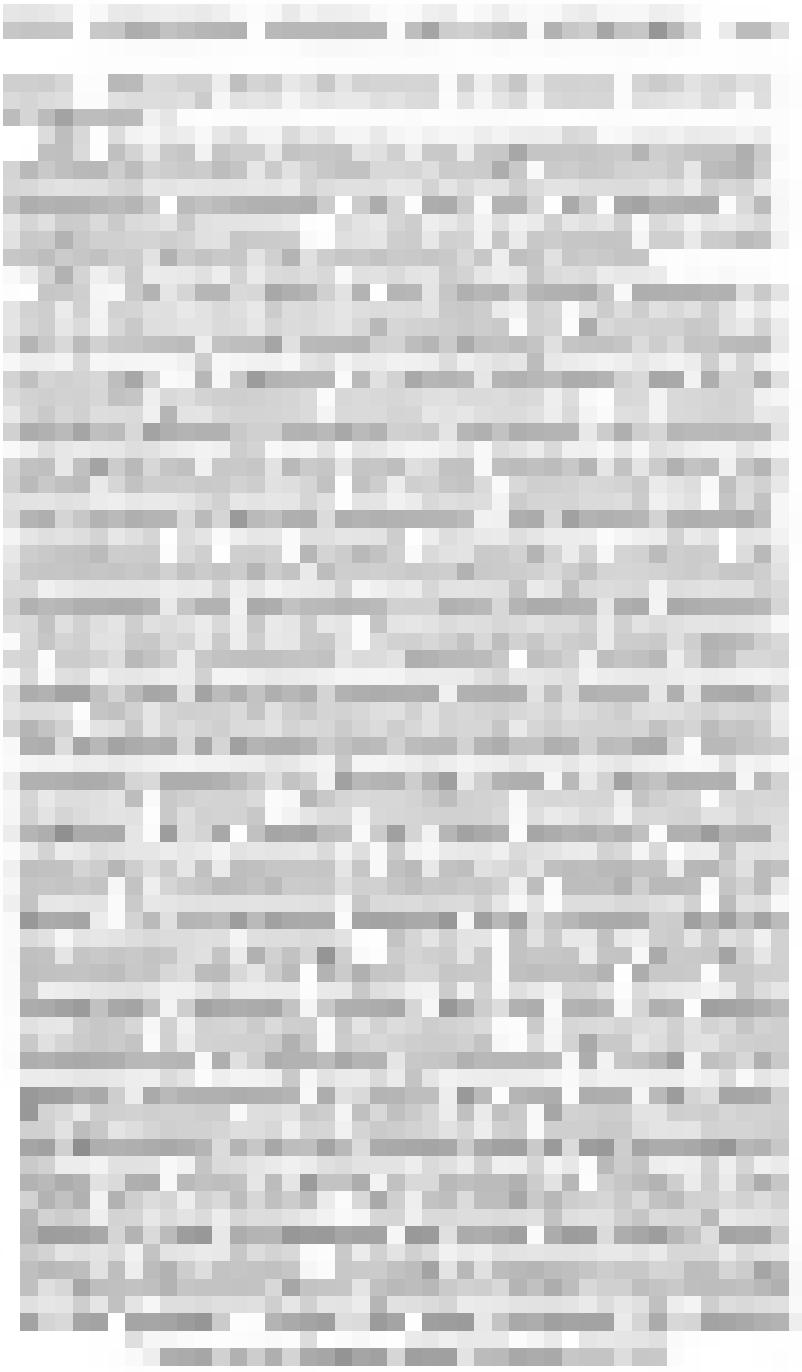

member of the legislature contracts any responsibility for the maintenance of order. He merely develops into a hostile critic of the government's endeavour to do so. He is given no chance of demonstrating any capacity to get things done. Popular leaders are brought to the front mainly by ability to harass the government in trying to do them. There is no gradual transfer of responsibility. When public irritation has been raised to boiling point, and the final deadlock is reached, the only further concession which remains is to make the executive responsible to, and therefore, removable by, the legislature. This means the institution of responsible government at one stroke in a community where electors and legislators have been given no previous exercise in political control. The intermediate stage of divided control is so eminently calculated to produce public irritation that it would, in my opinion, be far safer to take this step at the outset. That course, however, is specifically rejected in the recent pronouncement of the Secretary of State: it does not therefore come within the scope of these notes to discuss it.

LETTER V

THE FRUITS OF EXPERIENCE

§ 1. The fact is that no system will succeed under which it is not possible in the last instance to secure harmony between the executive and legislature in matters essential to government. The discovery of the means whereby this can be done in a government based on election is the great achievement of England; and it is worth while glancing at the manner in which that discovery was arrived at. In the early Middle Ages the King ruled and enacted the laws. Then came the stage at which Parliament had acquired the sole right of making laws and voting supply, while the executive power remained in the hands of the King and his ministers. There were no legitimate means of harmonizing the action of the executive and legislature, and conflict between the two, mitigated by corruption of Parliament by the Crown, was the keynote of the constitutional struggles of the seventeenth century which ended in the downfall of the Stuart line. The first two Hanoverian kings, who succeeded the Stuarts, were foreigners who knew no English and were mainly interested in their German dominions. The government of Great Britain they left to ministers who

member of the legislature contracts any responsibility for the maintenance of order. He merely develops into a hostile critic of the government's endeavour to do so. He is given no chance of demonstrating any capacity to get things done. Popular leaders are brought to the front mainly by ability to harass the government in trying to do them. There is no gradual transfer of responsibility. When public irritation has been raised to boiling point, and the final deadlock is reached, the only further concession which remains is to make the executive responsible to, and therefore, removable by, the legislature. This means the institution of responsible government at one stroke in a community where electors and legislators have been given no previous exercise in political control. The intermediate stage of divided control is so eminently calculated to produce public irritation that it would, in my opinion, be far safer to take this step at the outset. That course, however, is specifically rejected in the recent pronouncement of the Secretary of State: it does not therefore come within the scope of these notes to discuss it.

LETTER V

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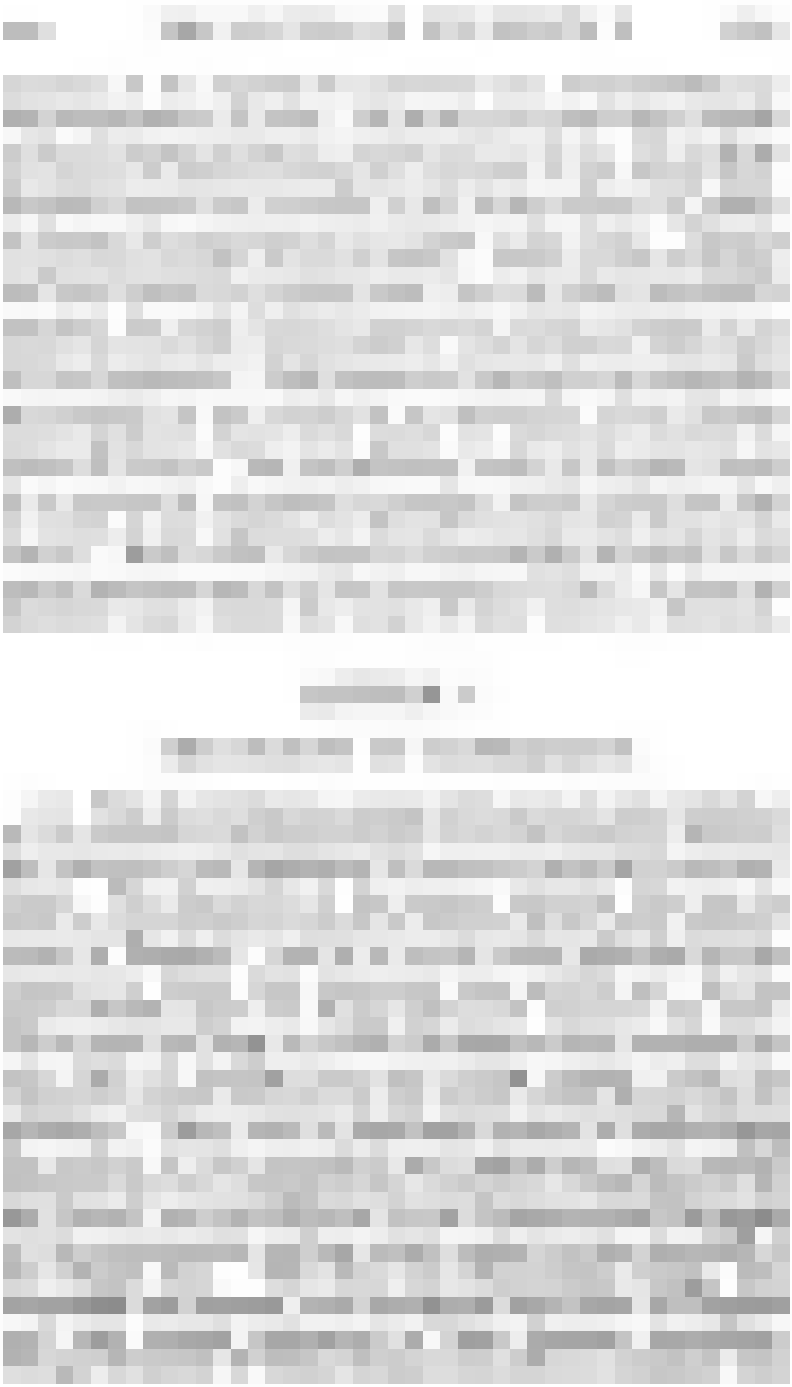
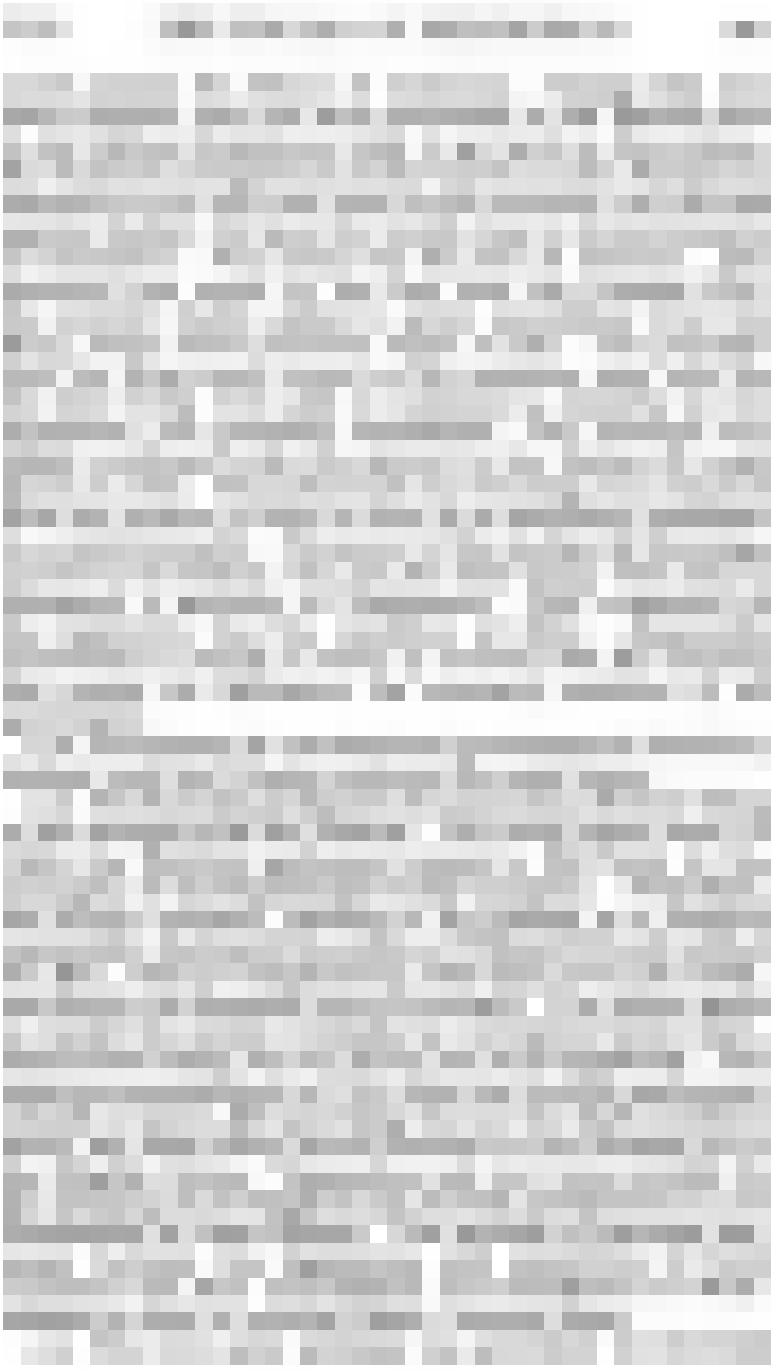


could control the House of Commons. George III, who knew English, and was more interested in his British than in his German dominions, tried to go back on this system. By wholesale corruption he endeavoured to make Parliament amenable to his will, and chose as his ministers, not the real popular leaders, but men who would stoop to be instruments of corruption. One result was the loss of America. The situation was saved by the fact that the younger Pitt, the popular leader, gained a great ascendancy over the King, whose mind presently began to fail. The principle that the King must choose as his ministers men who for the time being were able to command a majority in the legislature, was gradually established. The principle was finally confirmed with the advent to the throne of a girl Queen in 1837. Thenceforward the Sovereign was removed from the position of ruler to that of an hereditary president in a commonwealth. The power of the mediaeval Sovereign passed to the leaders, who, for the time being, were able to command a majority in Parliament. This command of the legislature was the condition of office. *Responsible government is simply a means of securing that the executive can control the legislature, the necessary condition of all government.*

§ 2. The history of constitutional government in Scotland, Ireland, and the Colonies enforces the same lesson.

§ 3. The Scottish parliament first came into effective being in the struggle with the Stuarts. The crisis began when, in 1693, the Scottish parliament passed a Bill fatal to the monopoly of the English East India Company. Tweeddale, the King's minister, yielding to his feelings as a Scottish nationalist, disobeyed the orders of William III and ratified the Bill. Serious complications with Spain were the result, and finally the financial ruin of Scotland. The efforts made to render the system workable by corruption broke down. Nationalist feeling was too strong for such expedients. The crisis was precipitated in 1701, when the Scottish parliament refused to pass a Bill providing that on the death of Queen Anne, the same King should succeed to the Scottish as to the English throne. Separation and war were avoided by the merging of the English and Scottish parliaments in one Parliament of Great Britain. The problem of securing harmony between the legislatures and executives in both countries was thus consolidated and transferred to Westminster to find its solution there a century later.

§ 4. The very same problem was provoked by the Irish



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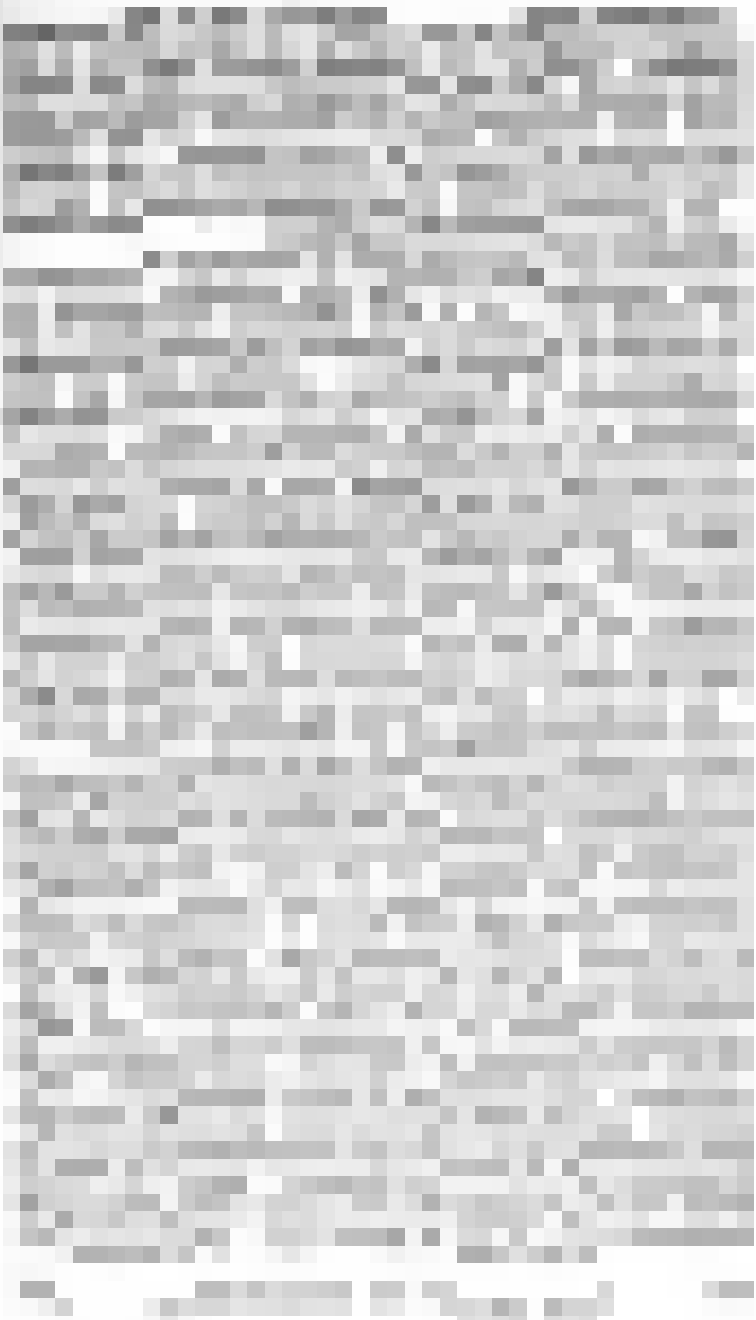
parliament in the reign of Henry VII. The problem was partly solved by Poyning's law, which deprived the Irish parliament of all power of initiative. Many other causes were operating to prevent the establishment of order in Ireland. The system, such as it was, was worked by open corruption. For value paid in titles, patronage, and coin, certain powerful families, called the 'Undertakers', made themselves responsible for obtaining in the legislature the majorities required by the Irish executive. But again nationalist feeling was too strong for corruption. In 1782, in the throes of the American War, Poyning's law was repealed, and Ireland was given a constitution strictly comparable with that which is now proposed for India. Corruption was worked to the full; but government atrophied, till, in 1798, Ireland was a scene of weltering chaos and bloodshed. The remedy was found by merging the Irish in the British Parliament. The difficulty of granting Home Rule to Ireland to-day largely has its roots in the anarchy which prevailed throughout the eighteenth century.

§ 5. In the American colonies the same system obtained from the outset. The executives could not obtain the laws necessary to secure order between the colonists and the Indians, nor yet the revenues needed for purely American purposes. The result was the revolution and secession of the colonies. The position had then to be faced by Washington. The basic elements of American society were drawn from the most law-abiding classes in England. But Washington found that he was dealing with a society which had grown unused to the restraints of any government whatever. Implored to use his great influence to restore order in Massachusetts, he replied with the memorable aphorism 'Influence is not government'. Charged with the task of creating an American government, he solved the problem by making the executive and legislature amenable to the same electorate. In a rigid and imperfect manner he anticipated the great discovery of responsible government, which had yet to be made in England.

§ 6. The same features as had vitiated the American system were reproduced under the Constitutional Act of 1791 in the Provinces of Upper and Lower Canada. The legislatures were elective, while the executives, though mainly if not entirely consisting of Canadians, were appointed from England. Chronic and increasing friction were the result, leading to deadlock, and ending in the third decade of the nineteenth century in two rebellions, one in each province.



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Lord Durham was then sent out, and produced a report on the whole situation, which first explained to Englishmen the nature of the great discovery they had made at home—responsible government. Durham recommended its application to Canada. He pointed out that no executive can continue to discharge its functions unless it can control the legislature. This, however, was impossible, where, as in Canada, the mainspring of the executive was in London, while the mainspring of the legislature was in Canada. The Imperial Government must either abolish the elective principle in the legislature, and so make it subordinate to the executive, or else place the executive in the hands of the leaders who controlled the legislature for the time being. The power of the executive to carry laws, money and otherwise, essential to the maintenance of the Queen's government, was an absolute necessity. His advice was taken, and applied, not only to Canada, but also to other parts of the British Commonwealth, wherever the material for adequate electorates already existed.

§ 7. The system condemned by Durham was recently revived in the case of the Transvaal in the Lyttelton constitution of 1906. The files of *Hansard* are not accessible, but I venture to suggest that, if any one will search them, he will find that the case urged against that measure by the Liberal opposition rests on the considerations adduced in these pages. That constitution never came into force; but, had it done so, no one, in the light of after events, can doubt that it would have come to a deadlock in the first session. The Appropriation Bill would never have been passed, and the governor would have been faced with the same situation as confronted Durham in Canada.

§ 8. In all these cases, be it noted, the materials for electorates existed already. These struggles were not, in fact, the exercise which fitted electorates for responsible government. Rather they resulted from communities already fit for self-government, who were feeling about in the darkness, until they discovered by trial, failure, and retrial, the mechanism whereby the action of the executive and legislature could be harmonized on the basis of popular government. The lesson of these blunders can be read. There is nothing to be gained by repeating them in a country like India, but infinite peril by reason of the irritation they cause.

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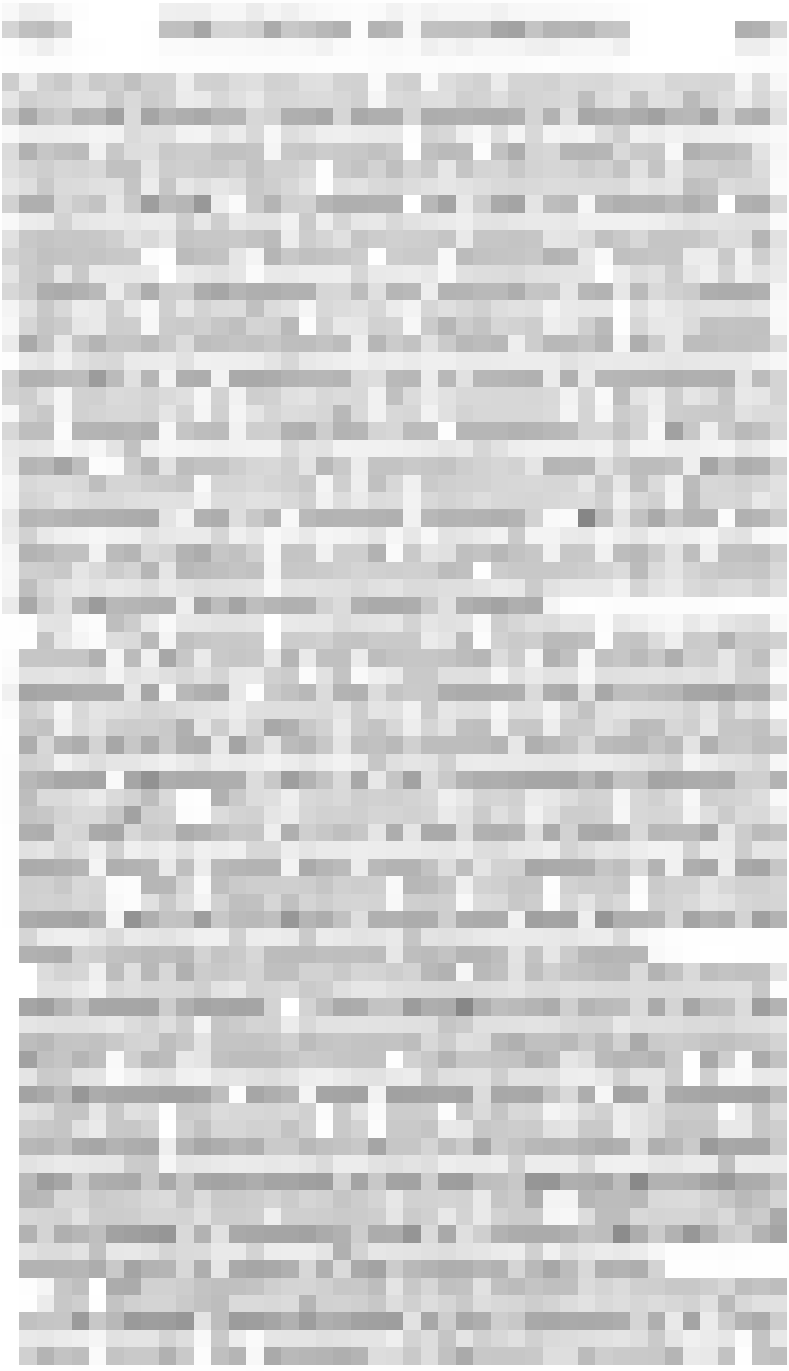

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THE CROWN COLONIES

[1] The old system of a governor appointed by the Crown, coupled with a legislature elected by the people, has disappeared also in most of the colonies whose inhabitants are not mainly of European origin, but in this case the evolution has proceeded in the opposite direction. And here it may be observed that in some colonies where the population was white a hundred years ago, it is no longer so now; not in consequence of any great change in the proportion of the races, but because however numerous the slaves might be, they were, until freed, of no political account. In this way most of the British West Indies, where formerly the Europeans were almost alone considered, are now filled with a teeming free population, of which the whites form a very small part.

The history of Jamaica may serve to illustrate the transformations by which the earlier form of government has been turned into that of a modern crown colony. Captured from the Spaniards in 1655, the island was rapidly settled by Englishmen, and Lord Windsor, on his appointment as Governor in 1662, was instructed to call legislative assemblies according to the custom of the other colonies. Thus a government of the familiar type was created, with a royal governor, an appointed council, and an elected assembly. A score of years had not passed before friction with England began, and although in this instance matters were soon adjusted, troubles arose again later, and throughout the eighteenth century we find in a milder form quarrels, of the same nature as in the North American colonies, constantly breaking out between the Governor and the Assembly. That body refused for years to vote a permanent revenue, and made appropriations to be expended only by officers appointed by itself. In fact, by a series of local acts the collection and expenditure of the revenue was taken almost entirely out of the hands of the Governor, and transferred to commissioners who were really the members of the Assembly under another name. Had the island been inhabited only by Englishmen, these difficulties might eventually have led, as in Canada, to the grant of a responsible ministry; but the presence of slaves, ten times as numerous as the free whites, led in the nineteenth century to both economic and political upheavals.

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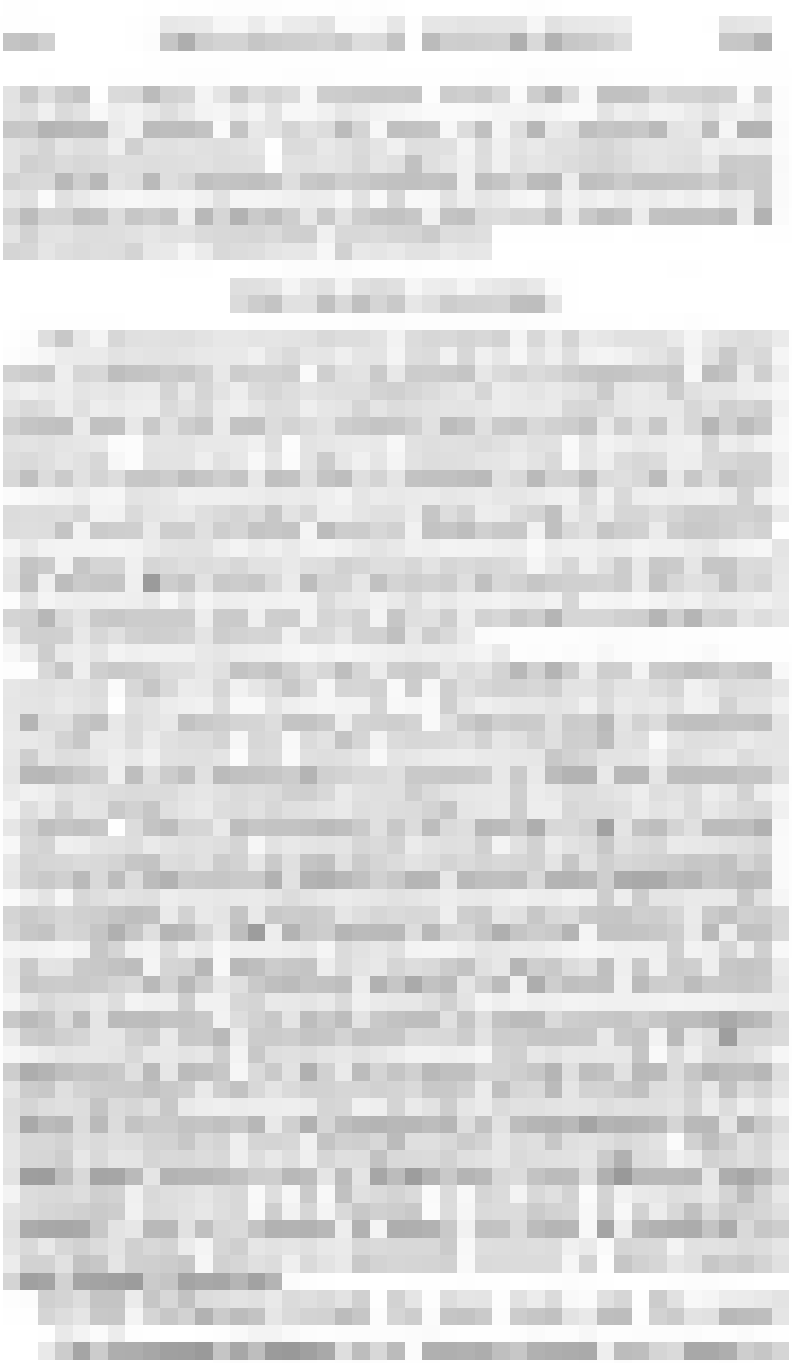

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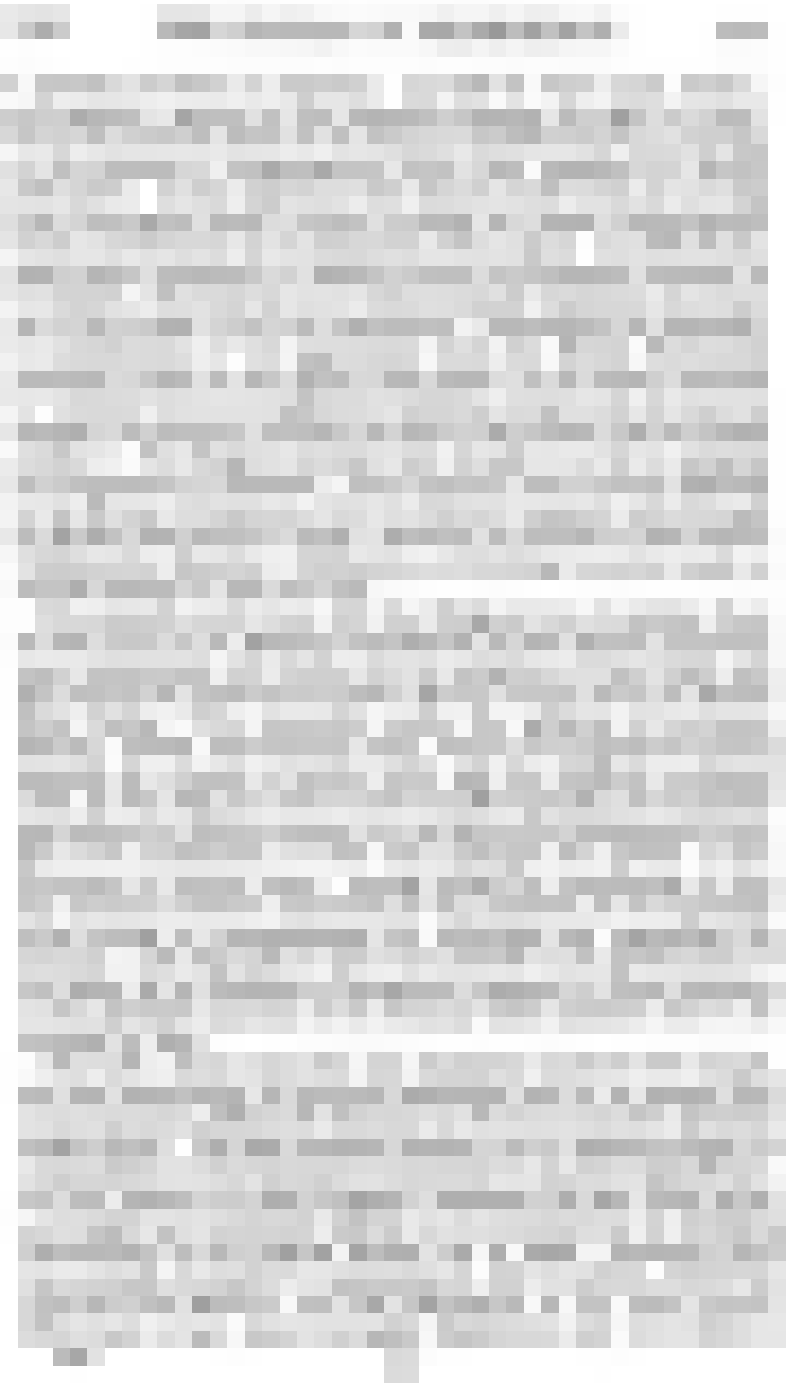
a scarcity of labour in Jamaica. In 1833 it went much further, and against a protest of the Assembly denying its right to interfere in the internal affairs of the island, it abolished slavery, granting to the planters a compensation which they regarded as wholly inadequate. As the negroes in that climate could easily get a living from unoccupied lands, without working for wages, emancipation struck a severe blow at the industries of the colony. In 1838 Parliament again undertook to legislate about the domestic concerns of the island; this time by an act which took the regulation of prisons out of the hands of the local authorities. Whereupon the Assembly in consideration of 'the aggressions which the British Parliament continue to make on the rights of the people' of the colony, resolved to 'abstain from any legislative function, except such as may be necessary to preserve inviolate the faith of the island with the public creditor'. The English ministry then brought in a bill to suspend the constitution of Jamaica. This, however, was so nearly defeated in the House of Commons, that the Cabinet resigned, and although Sir Robert Peel failed to form a ministry on account of the famous 'Bedchamber Question', Melbourne on returning to power made no second attempt to pass the bill.

The planters must have felt that England was hounding them to their ruin, for in 1846 the foundations of their former prosperity were undermined still further by the adoption of free trade, and the removal of preferential tariffs in favour of sugar from the British West Indies. The Assembly, under the pressure of economic distress, passed retrenchment bills, which the appointed Council rejected as a breach of public faith, and the deadlock continued until, by the offer of a loan of half a million pounds, the Assembly was induced in 1854 to consent to a revision of its fundamental laws. The new constitution of that year enlarged the powers of the Governor in various ways; among others by transferring to him the functions hitherto exercised by the members of the Assembly when acting as commissioners for collecting and expending the revenue; and although he was to be assisted in the performance of his duties by an Executive Committee composed of three members of the Assembly and one of the Council, those members were to be selected by him.

For half a dozen years the new machinery worked well enough, but the opportunity for political deadlocks had by no means been removed, and in 1860 strife between the Governor and the Assembly began afresh. The first occasion therefore was a question about the responsibility of the Executive Committee for an over-expenditure; but the quarrel, as often happens, wandered off into other paths, and might have continued merrily on its way had not an alarming insurrection of the negroes broken out in 1865. Governor Eyre was accused of cruelty in suppressing it, but his action, which was vigorous and decisive, won the admiration of the white people. They had, in fact, been thoroughly frightened, and were ready to



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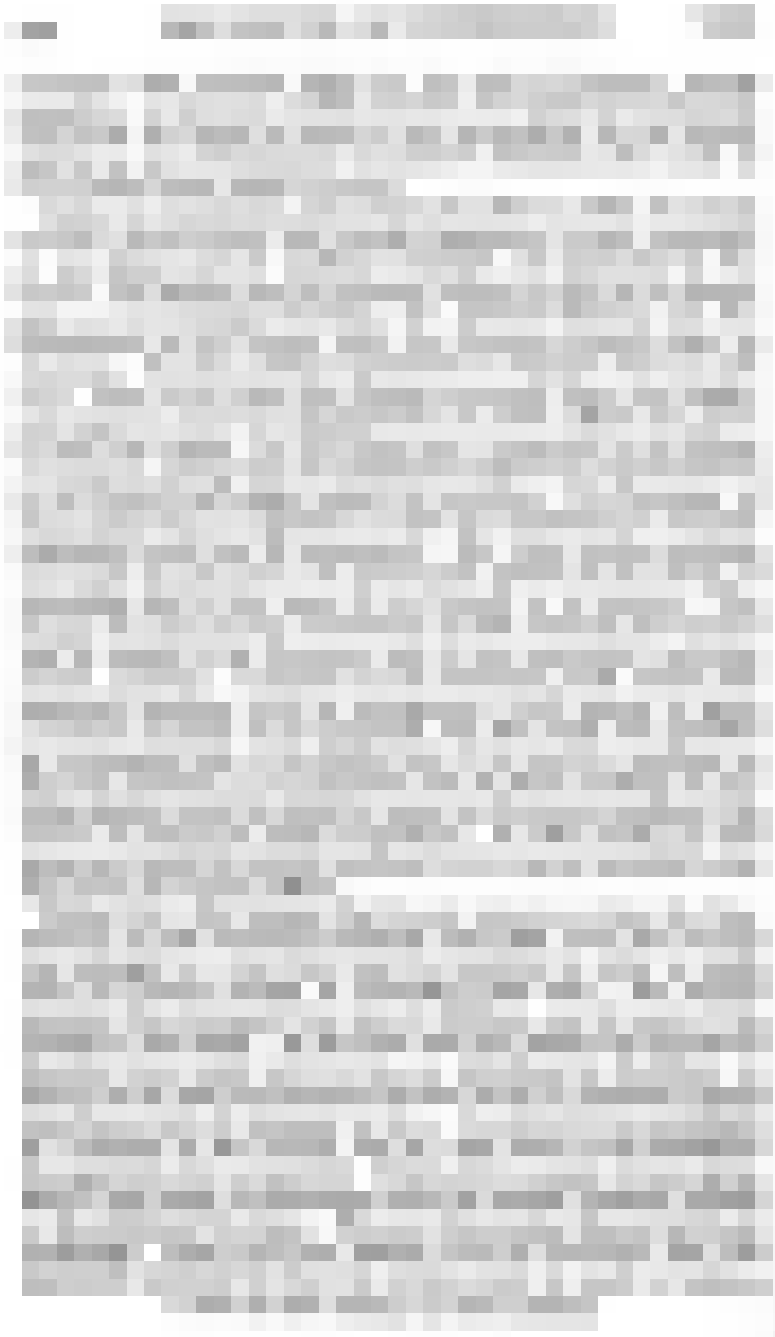
surrender their political rights for the sake of having a strong executive. At the close of 1866, therefore, the legislature of Jamaica authorized the Queen to create a new government for the island, and by an Act of Parliament the elective Assembly, after a life of two hundred years, came to an end.

Under the constitution, which went into effect in 1867, the island became a crown colony with a single Legislative Council, composed of six official and six unofficial members, all appointed by the Crown. The former were the principal officers of state in the island, such as the Colonial Secretary, the Attorney-General and the Commander of the Troops, while the Governor himself acted as chairman. But the political experiments in Jamaica were not yet over. After a few years the planters recovered from their fright, and longed to have the administration of public affairs once more in their own hands. In 1876 they sent a memorial to the House of Commons, asking that the inhabitants might have representatives in the Council and might control the revenues. The Secretary of State replied that a suggestion to alter the constitution so recently established could not be entertained. But when similar petitions were made in later years, the government yielded to the extent of permitting half of the seats in the Council to be elective. The change was made by the constitution of 1884, whereby the Council was to consist of the Governor, and of nine appointed,[1] and nine elected, members. Inasmuch as the Governor could control the appointed members, such an arrangement would appear to place a constant majority at his command, but this result was modified by a provision that a two-thirds vote of the elective members on financial questions, or a unanimous vote of those members on any other subject, should be decisive, unless the Governor considered the matter of paramount public importance. In other words, he had power to override the elected members, but he was not intended to use that power for current affairs.

Except for a few changes that do not concern us here, the Constitution of 1884 remained unaltered until 1897, when the Council was enlarged in a way that must be described in order to make clear the present method of controlling that body. The elected members were increased from nine to fourteen, one for each of the parishes in the island. At the same time the official and appointed members were raised only to ten, or, including the Governor, to eleven, but he was empowered to add four more if a question of great importance made it necessary to do so. In short, he was nominally in a minority in the Council, but as a last resort could transform his appointees into a majority. This he did a couple of years later, after a long series of altercations with the elected members, chiefly on the subject of the taxes. For some time insular finance had been perplexing. There had been deficits, and the Governor with the appointed members felt that the revenue must be made to balance

[1] Four of them official, and five unofficial.



surrender their political rights for the sake of having a strong executive. At the close of 1866, therefore, the legislature of Jamaica authorized the Queen to create a new government for the island, and by an Act of Parliament the elective Assembly, after a life of two hundred years, came to an end.

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Except for a few changes that do not concern us here, the Constitution of 1884 remained unaltered until 1897, when the Council was enlarged in a way that must be described in order to make clear the present method of controlling that body. The elected members were increased from nine to fourteen, one for each of the parishes in the island. At the same time the official and appointed members were raised only to ten, or, including the Governor, to eleven, but he was empowered to add four more if a question of great importance made it necessary to do so. In short, he was nominally in a minority in the Council, but as a last resort could transform his appointees into a majority. This he did a couple of years later, after a long series of altercations with the elected members, chiefly on the subject of the taxes. For some time insular finance had been perplexing. There had been deficits, and the Governor with the appointed members felt that the revenue must be made to balance

[1] Four of them official, and five unofficial.

the expenditure; while the elected members, suffering under the weight of the existing taxation, were loath to increase their burdens. Finally, in 1899, the Governor proposed a tax on typewriters, sewing-machines, books, and magazines, and when the elected members refused to vote for it, he made appointments to the four additional seats on the Council. The step was taken after a consultation with Mr. Chamberlain, then Secretary of State for the Colonies, and although the additional members resigned soon afterwards, on an undertaking by the elective councillors to vote for the tax, their appointment showed that the home government was prepared in cases of serious disagreement to exert its authority by overpowering the elective element in the Council.

The history of Jamaica is the more instructive, because the government in its transition from the old type to its present form has passed through an unusual variety of metamorphoses. It has had alongside of the Governor an Assembly wholly elected, a single Legislative Council wholly appointed, and a Council in which the elected members were, or could be made, a minority. Each of these forms is still found in the crown colonies, but save in a very few cases the first of them has disappeared and the prevalent types are those in which the legislature is composed exclusively, or for the major part, of appointed members.

A more recent example of the tendency to do away with an elective assembly, where full responsible government cannot be granted, may be seen in the case of Malta. After its capture from the French in 1800 the island was at first under the sole authority of a Governor, who was often the Commander-in-Chief of the forces there; and in fact it is the great importance of Malta as a naval base that has prevented it from acquiring any large measure of self-government. Strategic considerations will not permit the people to govern themselves as they please, and yet the inhabitants, who enjoyed a representative assembly before the coming of the Knights of St. John, are so numerous that the post cannot be treated, like Gibraltar, simply as a garrison. But this peculiar condition, which has precluded government by responsible ministry on one side, and pure military rule on the other, does not make the political events in the island less valuable as an illustration of the difficulty of maintaining a semi-popular form of administration.

An advisory council was associated with the government of Malta in 1838–9, but no trace of popular representation was introduced until 1849, when the Crown by Letters Patent created a Council of Government, composed of the Governor with nine appointed, and eight elected, members. This gave the people of the island a chance to make their opinions heard, but not to make them prevail, for the government always had a majority at its command, and at times used it so freely as to foster a strong desire to bring the local administration under real popular control. The agitation continued for many years, and finally a plan for a new Council, based upon petitions

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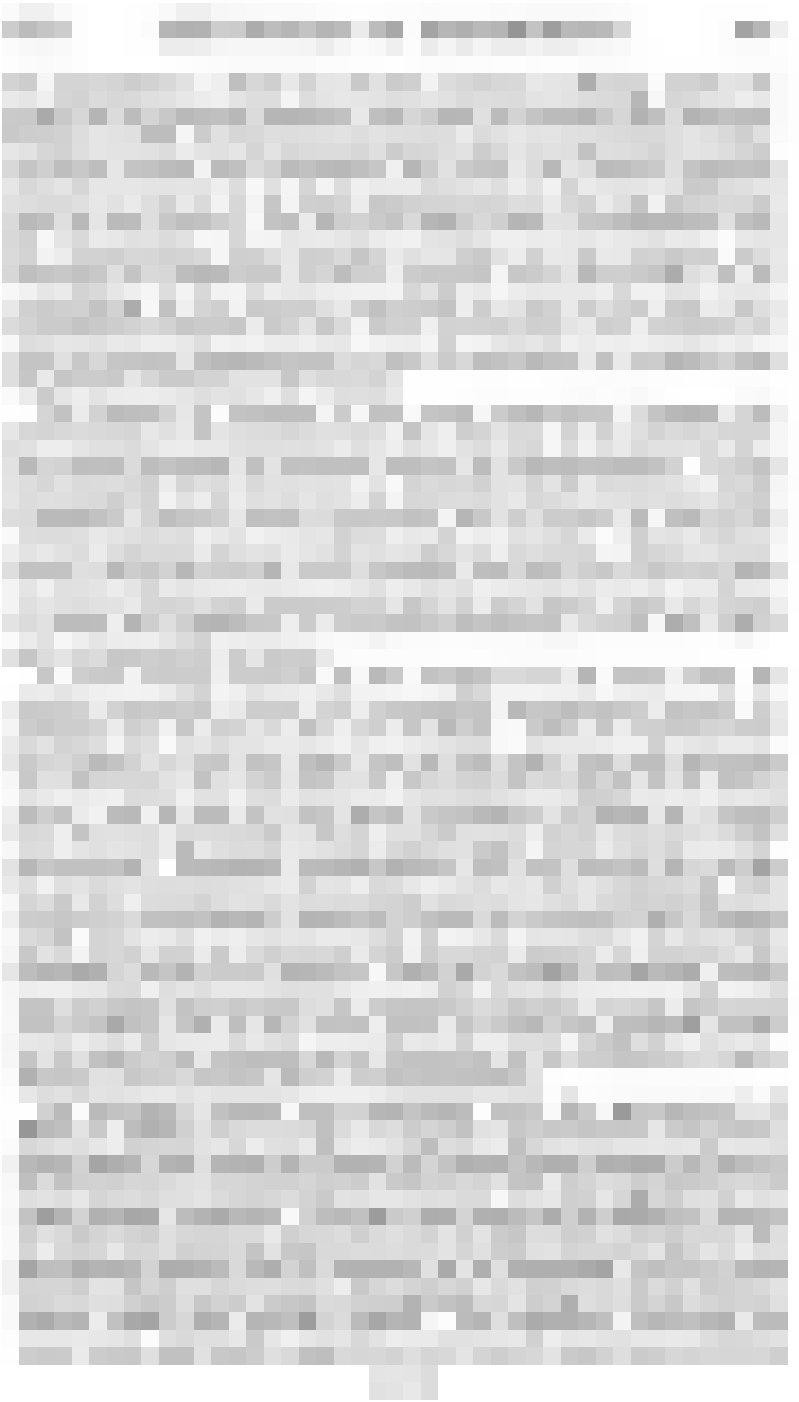

by the Maltese themselves, was put into effect by Letters Patent of 1887. It reduced the appointed members to six, and increased the elected ones to fourteen, of whom ten were chosen by the ordinary voters, while the clergy, the nobility, the graduates of the university, and the chamber of commerce had one representative apiece. Thus the elected members preponderated heavily, and, what is more, on money bills their votes alone were to be counted. On the other hand, the Crown had not only the usual veto and an exclusive right to initiate measures dealing with the revenue, but reserved to itself an ultimate power to legislate independently by Order in Council.

The Maltese soon found that their actual control over the government was less than they had expected, and as early as 1891, after the elected members had resigned as a protest against the policy of the Governor, a riot was caused by the attempt of a mob to overawe the Council. Dissensions continued, with resignation as an occasional resource, but the popular party had no specific issue as a basis for opposition until 1898. In that year Colonel Hewson, a British army officer, who had given evidence in English as a witness, and was asked to sign a translation of it into Italian, the official language of the court, refused to do so on the ground that he could not read what he was required to sign. Thereupon he was committed for contempt of court; and although the Governor saved him from going to jail, indignation was felt that a British officer should be ordered to prison by a British court for refusing to sign a statement in a foreign tongue that he did not understand. Mr. Chamberlain directed the Governor to lay before the Council ordinances making English as well as Italian the official language of the courts, and when the Council rejected them, they were enacted by Order in Council in March 1899. The elected members protested, resigned, were returned again without opposition, and then refused to pass money bills, which were in turn put in force by Order in Council.

The question of language involved a singular state of affairs. Italian, which had been substituted for Latin in the courts after the English occupation, was the tongue of the educated classes but not of the great mass of the population, who speak Maltese, a dialect based upon Arabic. It could fairly be asserted, therefore, that English was quite as appropriate an official language as Italian. The question affected the schools as well as the courts. Some time before a plan had been put in force whereby the children were taught Maltese in the two youngest classes, and then the parents were allowed to choose whether they should study English or Italian, with the result that by far the greater part of them chose the former. But now the elected members of the Council, claiming that the choice of the parents was not really free, demanded that Italian should be the regular subject of study, and declined to pass some of the appropriations for the schools unless an ordinance for the

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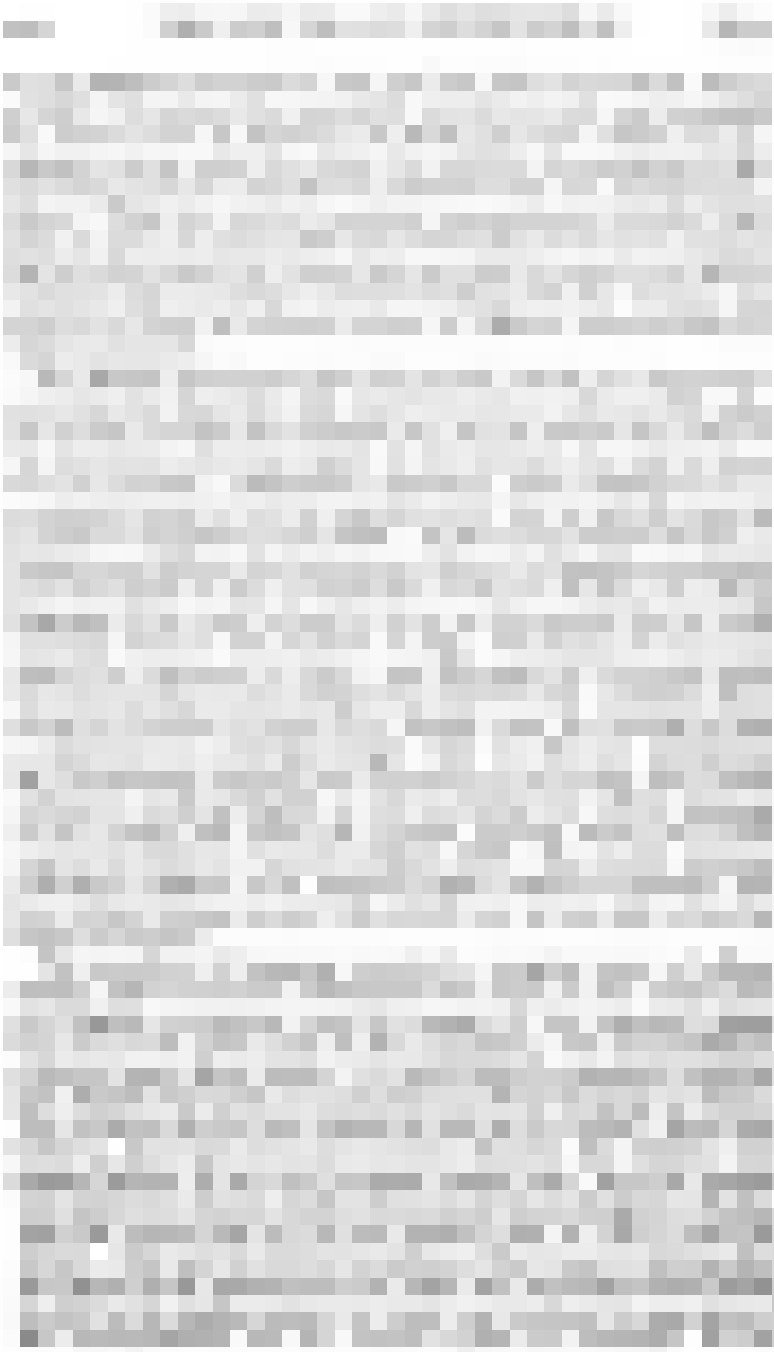

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The leaders of the opposition to the government set on foot a vigorous agitation in the island; while in the Council they passed their ordinance for the schools; only to see it met by a veto. Thereupon they rejected appropriations, resigned, and were again re-elected. Clearly the constitution as it stood did not work. The popular element was too strong or too weak to please any one; and finally in 1903 the gordian knot was cut by Letters Patent which abolished the Council, and substituted another composed, in addition to the Governor, of ten appointed, and only eight elected, members. The Governor was given also the sole right of initiating measures, and thus the Council was reduced to a consultative body where the representatives of the people can express their opinions but have no means of putting them into effect. After an experience of seventeen years the Constitution of 1887 has been abandoned and the conditions of 1849 have been restored. Nor was the result due to a change of party in England, for the Letters Patent of 1887 had been issued by a Conservative ministry. *The constitution of that year was doomed to fail, because it created two independent forces that were almost certain to come into collision, without any power that could bring them into harmony. Parliamentary government avoids deadlocks by making the executive responsible to the legislature. Presidential government limits deadlocks, because all the organs of the state must ultimately submit to a superior tribunal, the electorate of the nation. But a legislature elected by the people, coupled with a Governor appointed by a distant power, is a contrivance for fomenting dissensions and making them perpetual.*[1]

§ 10. Such being the experience of the British Commonwealth, as interpreted by an American investigator of the highest authority, advocates of this principle are commonly driven to defend it by appealing to the examples of Germany and Austria. The late Mr. Gokhale, for instance, advised that 'The relations of the executive government and the legislative councils so constituted should be roughly similar to those between the Imperial Government and the Reichstag in Germany'. Before, however, we accept German guidance in the task of extending self-government to India, it is well to examine a little more closely, than I think Mr. Gokhale

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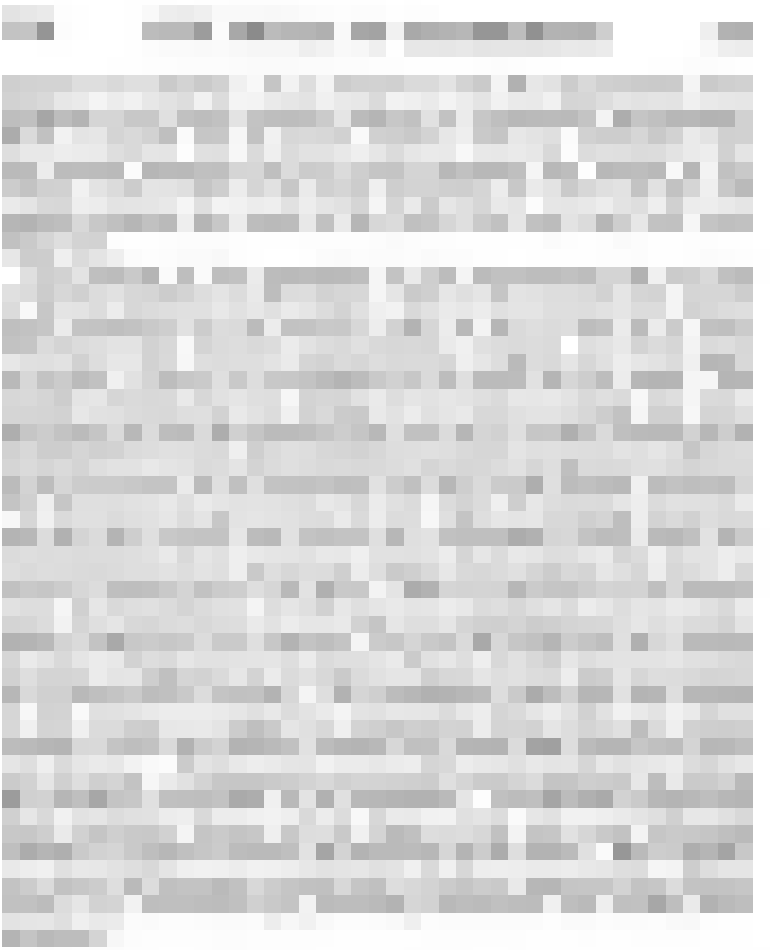
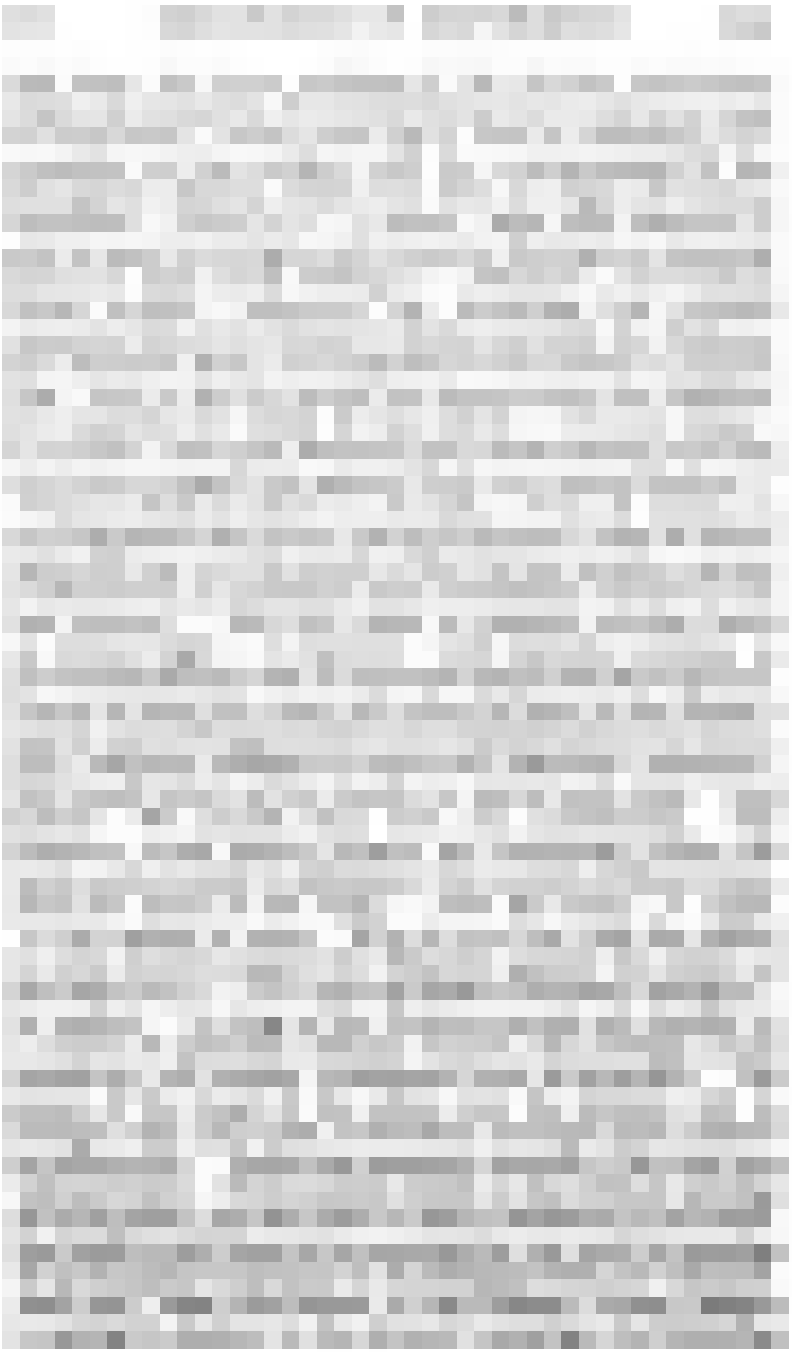


had done, the inner working of the elective institutions which the monarchs of Central Europe have used as a mask for despotism. Some years ago I had an informing conversation on this subject with the correspondent of the *Frankfurter Zeitung*, which was then an organ of German liberalism. 'How is it', I asked, 'that your Emperor is able to pass his budgets and measures through an assembly based on male adult suffrage?' 'Because', my German friend replied, 'whenever the Reichstag has rejected measures which the Emperor deems essential, the Emperor has dissolved them, and appealed to the nation to support him. And so far the nation has always given the Emperor the majority for which he has asked.' 'Do you mean', I inquired, 'that your Emperor goes electioneering, and that the voters support him against their own representatives?' 'That is what it comes to,' he said. 'You, of course, do not understand the power which the Kaiser's claim to divine right still has over the minds of the German people, a power reinforced by an unbroken chain of military success for the last century.' 'But this claim to superior wisdom based on divine right', I objected, 'will scarcely continue to prevail indefinitely with an educated people like the Germans. Sooner or later the voters will refuse to listen to the Kaiser's appeal, and will support their own representatives by returning a majority pledged to reject the Emperor's measures.' My friend threw up his hands in horror and cried, 'God forbid! We should then lose our constitution. The Emperor would simply dismiss the Reichstag, collect the taxes, and proceed to administer the country without them, with the army at his back.' 'But the army', I urged, 'is the nation in arms. Why do you fear that the nation in arms should support the Emperor against the nation at the ballot box?' 'It is just the habit of military discipline', he replied. 'So long as the German people are dazzled by a course of unbroken military success, the prestige of the monarchy will remain unimpaired and all-powerful. The power of the head of the army over the soldiers will be stronger than the spirit of freedom amongst those soldiers in private life.' From that moment onwards I felt that war was inevitable. If the system rested on the military prestige of the dynasty, and the habit of blind obedience in the ranks, that habit would have to be exercised in war, and the prestige of the dynasty would have to be refreshed with new victories. And now, when the failure of the Kaiser's brutal designs is casting its shadow on the dynasty's prestige, the Reichstag



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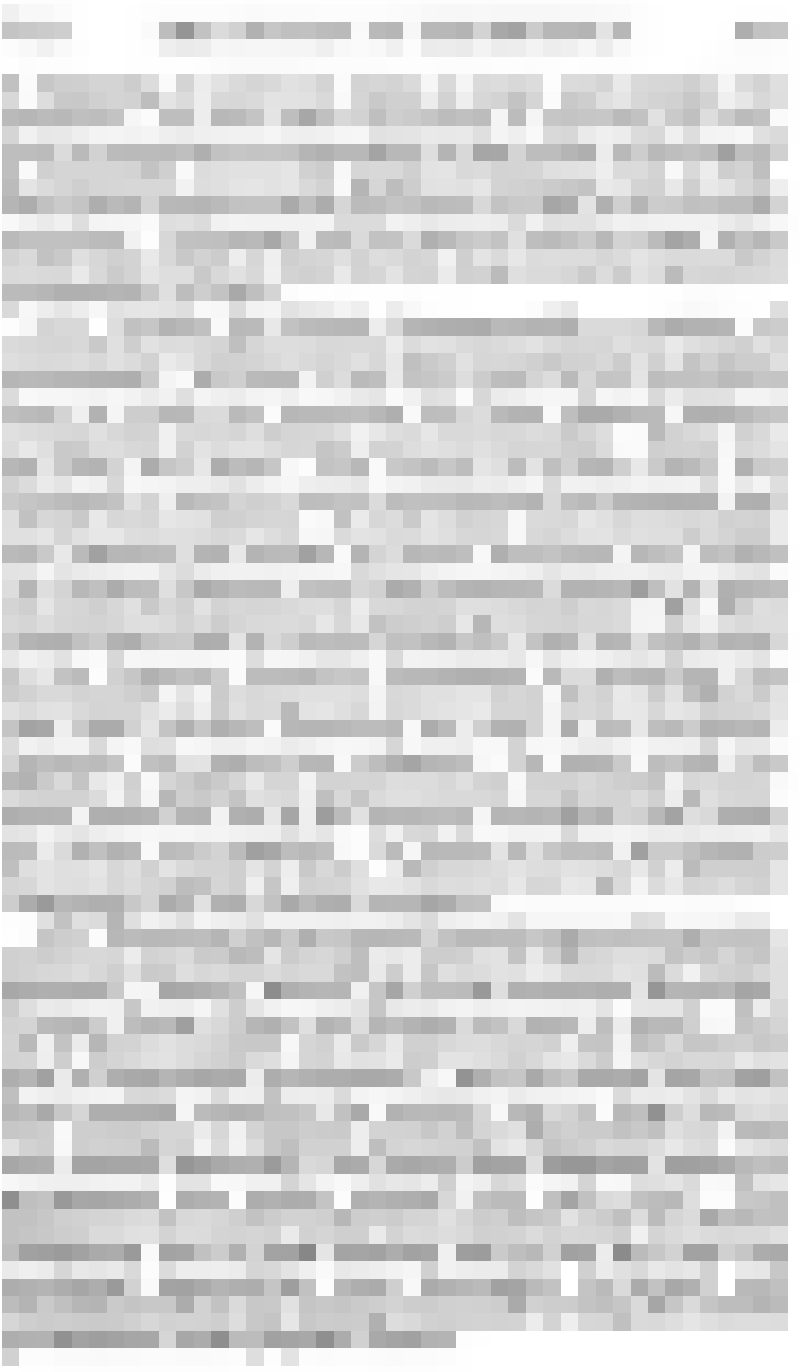
§ 11. Outside the British Commonwealth a number of countries have endeavoured to pass from paternal to popular government. Of these I can only think of two important cases in which the transition has been effected without a long series of revolutions and civil disorders. These two are Italy and Japan. The nucleus of modern Italy was Piedmont, a state in which constitutional government had already been achieved. In both these cases the transition was watched and tended by native monarchs who, unlike the German Emperor, used their personal prestige to guide the nation from paternal to popular government. Mr. Price Collier states that on several occasions, when the opposition in the Japanese Assembly threatened to embarrass the Government, a message was sent to them from the Mikado that their speeches disturbed the souls of his ancestors. Instantly the opposition collapsed. In plain words the Mikado, in guiding his people towards responsible government, made full use of the religious veneration with which his throne was regarded. In India an alien government has no such appeal to make. Still less can it go on election campaigns like the German Emperor.

§ 12. Elsewhere the movement towards responsible government has proceeded through a series of violent and bloody disorders. France, Mexico, the South American Republics, Turkey, Persia, China, and Russia are cases in point. Not all of these countries can be said to have yet reached the goal of responsible government; and the failure has been most marked wherever the country was so large that it was necessary to organize provincial democracies as well as a central democracy, and bring these different organs of government into proper relation with each other. The reason for the success achieved in America and the British Dominions was in great measure due to the fact that the provincial democracies were thoroughly developed and established before any attempt was made to bring the central government under popular control.



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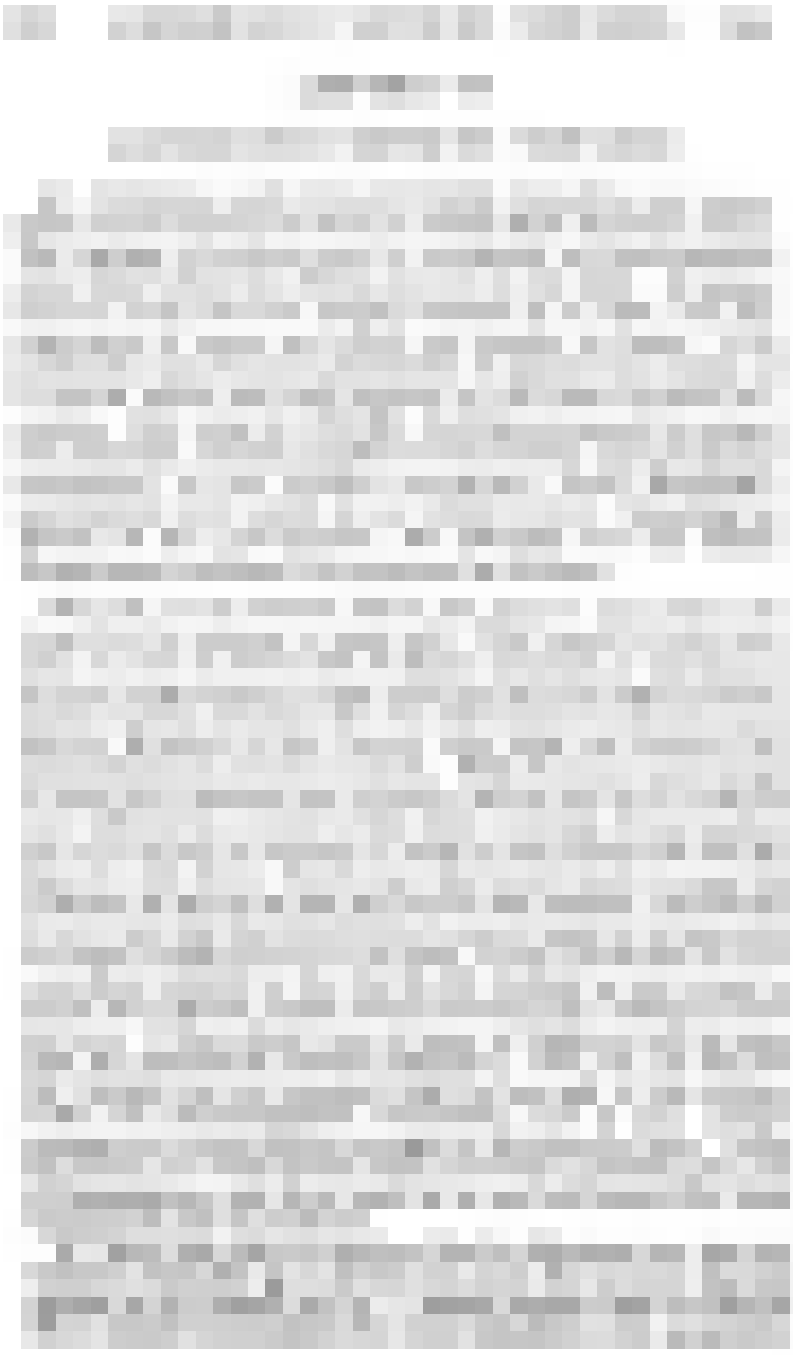
LETTER VI

ALTERNATIVE METHODS COMPARED

§ 1. IMPERIAL, and even provincial, executives are somewhat removed from the facts to which their decisions relate. The springs of action may be weakened at head-quarters some time before the effects are seen in the field. A poison may be none the less deadly because it is slow, but the connexion of cause and effect are harder to trace. It is perilously easy for one generation to ignore the results of a system which will only mature in the time of their successors. But when in 1912 Mr. Gokhale proposed to extend the principle, already applied to the Indian and provincial executives, to the district executives, Lord Hardinge's government were quick to see where it led. Speaking on behalf of the government, the Member for the Home Department reviewed the proposal as follows :

Well, Sir, as the Hon'ble Mover has said, he only wishes this Council to be advisory to *begin with*. This council of nine men, when we come to look to Mr. Gokhale's proposals, we find that so far from being advisory to begin with, they are very largely administrative councils, and that is the view which has been taken by many Hon'ble Members of this Council they want not advisory but administrative or executive councils. Well, Sir, I have said enough to show that Collectors and executive officers will not be rendered more efficient by a council of this kind ; but that if local matters are to be referred to anybody, it must be local bodies and that the hopes lie with them ; but in case this Council desire to pass this resolution in agreement with the Hon'ble Mr. Gokhale, I should like it to feel not only what this Collector's council might be *to begin with*, but what it might become to end with. I fear myself that the nine councillors intended by the Hon'ble Mr. Gokhale as nine muses to inspire the Collector, would end by becoming nine millstones round his neck. If that should come to pass, we might as well do away with the unfortunate Collector altogether. Now, Sir, the Hon'ble Mr. Gokhale has not repeated what he has said in his evidence before the Decentralization Commission, and it may perhaps interest you to know before you agree to his council of nine. Under his scheme you would already have succeeded in abolishing the post of Commissioner, and there would be no one left between the Local Government and the Collector.

If I have been able to convince Hon'ble Members here that the Collector would also go, I should very much like to know what the opinion of the Council will be. I hardly suppose that the Hon'ble Mover himself contemplates this result absolutely with equanimity.



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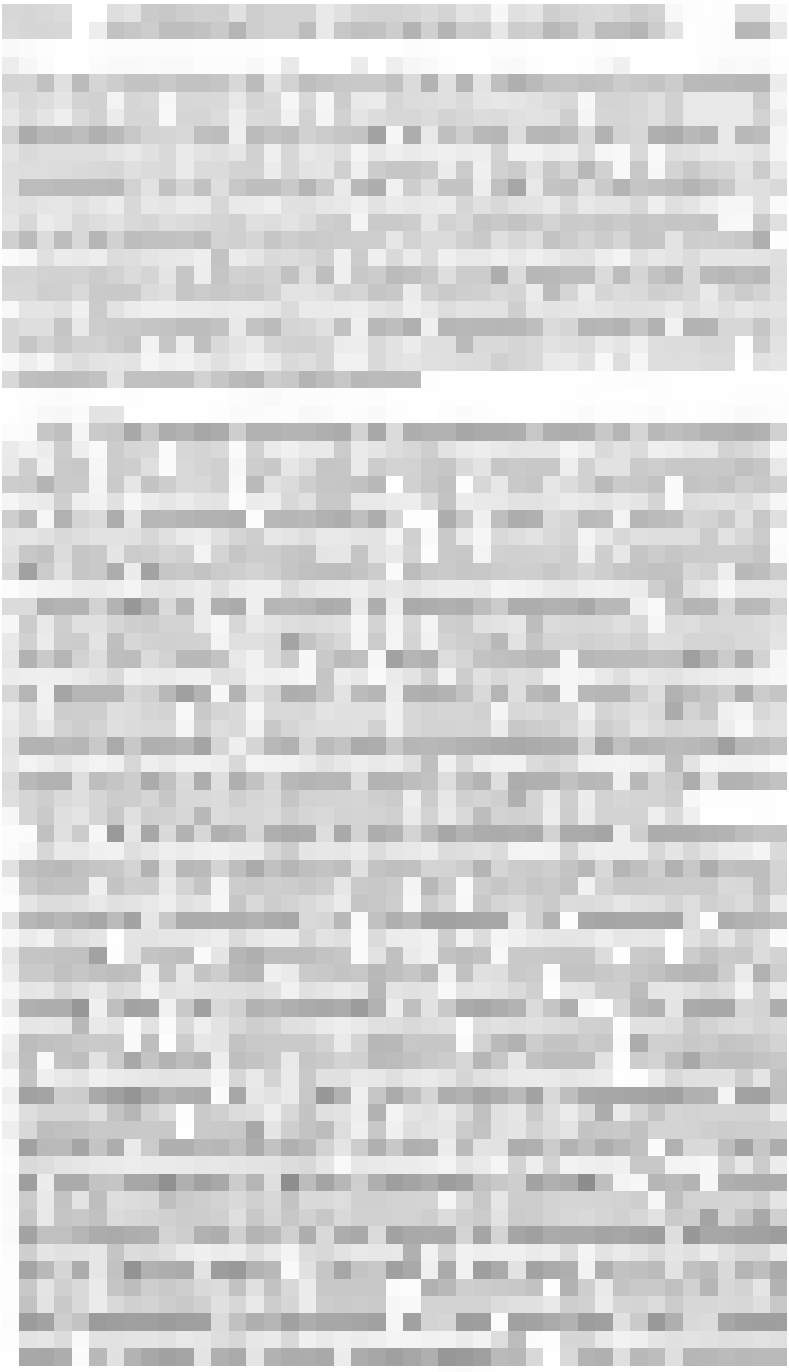
> If I have been able to convince Hon'ble Members here that the Collector would also go, I should very much like to know what the opinion of the Council will be. I hardly suppose that the Hon'ble Mover himself contemplates this result absolutely with equanimity.

I do not think that the Council will do so either, and I am perfectly sure that any such idea as the elimination of the Collector or the emasculation of his power would be viewed with the utmost consternation and concern by the masses of the people, to whom the impartiality of the Collector, and, I may add, his independence, is the very sheet anchor of their trust in British administration. As far as Government is concerned, I can only say that if this proposal, as devised by the Hon'ble Mr. Gokhale, were carried out and carried to its logical conclusions, it would undermine the executive power of the Government, and it is quite impossible therefore that the Government of this country can contemplate for a moment its executive powers being undermined.

§ 2. The general teaching of experience needs to be studied to the full. But the real intrinsic nature of the problem before us has to be grasped, and a new solution devised to fit its peculiar conditions. We shall not solve it by tearing leaves wholesale out of the records of precedents. We must think for ourselves, and have the courage to add a new page to the volume of human experience. The root of the problem, I suggest, is to bring electorates, however small, into being; to give them genuine responsibilities; to enable them to trace the effect of the votes they give on their own lives and so to connect cause and effect; to watch the results; and to add responsibilities with a generous hand, as fast as the results justify the addition, at the same time increasing the electorates as rapidly as may be.

§ 3. It is in the light of this conception that I propose to examine the one expedient which I have so far seen proposed which does not proceed upon the principle of leaving the executives responsible to Parliament in England, while making them dependent for their powers on elective assemblies in India, unweighted by any responsibility for seeing that the government is carried on. The plan in question is to institute complete responsible government in one selected area and observe the results. Underlying this suggestion is, I feel, the fallacious assumption that communities being either fit or unfit for self-government, therefore statesmanship consists in discovering to which of two categories a given community belongs. Now India is of all countries the most diverse, not only in race, language, and religion, but also in the degree of advancement attained by its various parts. One test of one part would be little or no criterion of the others. Moreover, the institution of full responsible government in one province only would tend to make the others unmanageable. Men are sentient



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beings; and you cannot import the methods of a physical laboratory into political research. The general unrest produced throughout the rest of India, which was asked to wait indefinitely, would react on the favoured province, and prejudice the results of the experiment there. If the first experiments on responsible government are to succeed, it must be in an India at peace in her own mind and throughout her coasts.

§ 4. This expedient, moreover, mistakes the whole character of the problem, as I see it, which is to train electorates throughout India by the exercise of real responsibilities proportioned to the strength of the electorate for the time being. The process of education should proceed simultaneously in all parts of British India, according to the pace at which each community is able to move. The example set by the more advanced communities will be simply invaluable, but only if the more backward communities are given the opportunity of emulating and imitating that example at once, so far as in them lies. They must be allowed to feel that the successful exercise of one power will quickly be followed by the addition of others.

§ 5. This particular proposal has been mooted by men who are just as firmly convinced as I am that responsible government is the only sound goal of policy, and are no less anxious to reach it. On several occasions, however, I have met people who honestly believe that the goal of self-government for India was a mirage, and have done their best to convert me to that view. Such people are fertile in negative advice. Having listened to the reasons against every suggested course, I have always made a point of asking them what positive suggestion they would offer, assuming that public opinion in England insists that something should be done. Pressed to this point, the advice of such men has usually been to initiate full responsible government in one province as an experiment. That, they believe, would convince public opinion at home of the truth of their own conviction that responsible government is a goal of policy impossible for India. I agree that the results of so drastic an experiment would be likely to fail. But the failure would lead to a wholly misleading conclusion. You might just as well set out to test the potential vitality of a man long bed-ridden by sending him to march twenty miles the first day. The proper course is to develop his strength by a little exercise gradually increased as the patient can bear it. That I submit can only be done by

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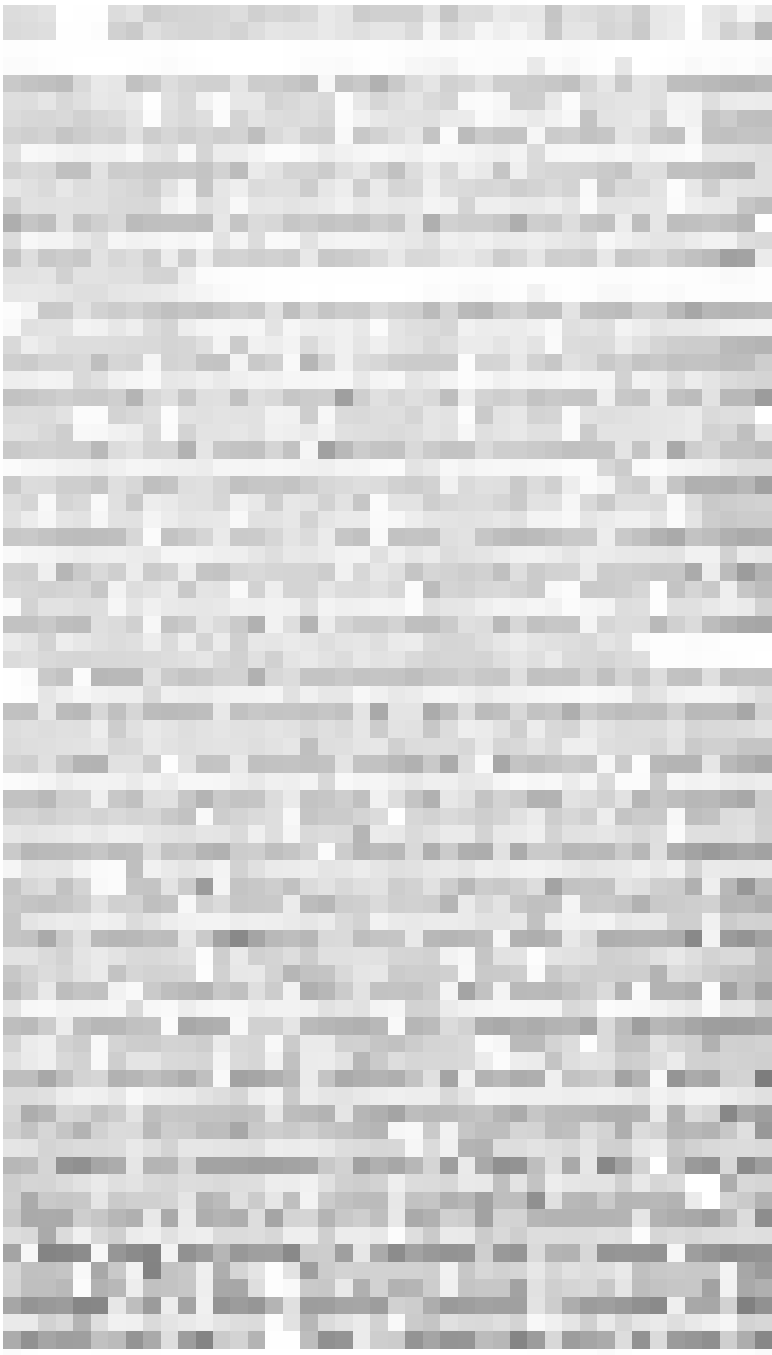


transferring some genuine functions to Indian executives responsible to electorates, and by increasing the burden as each of them shows its capacity to carry more.

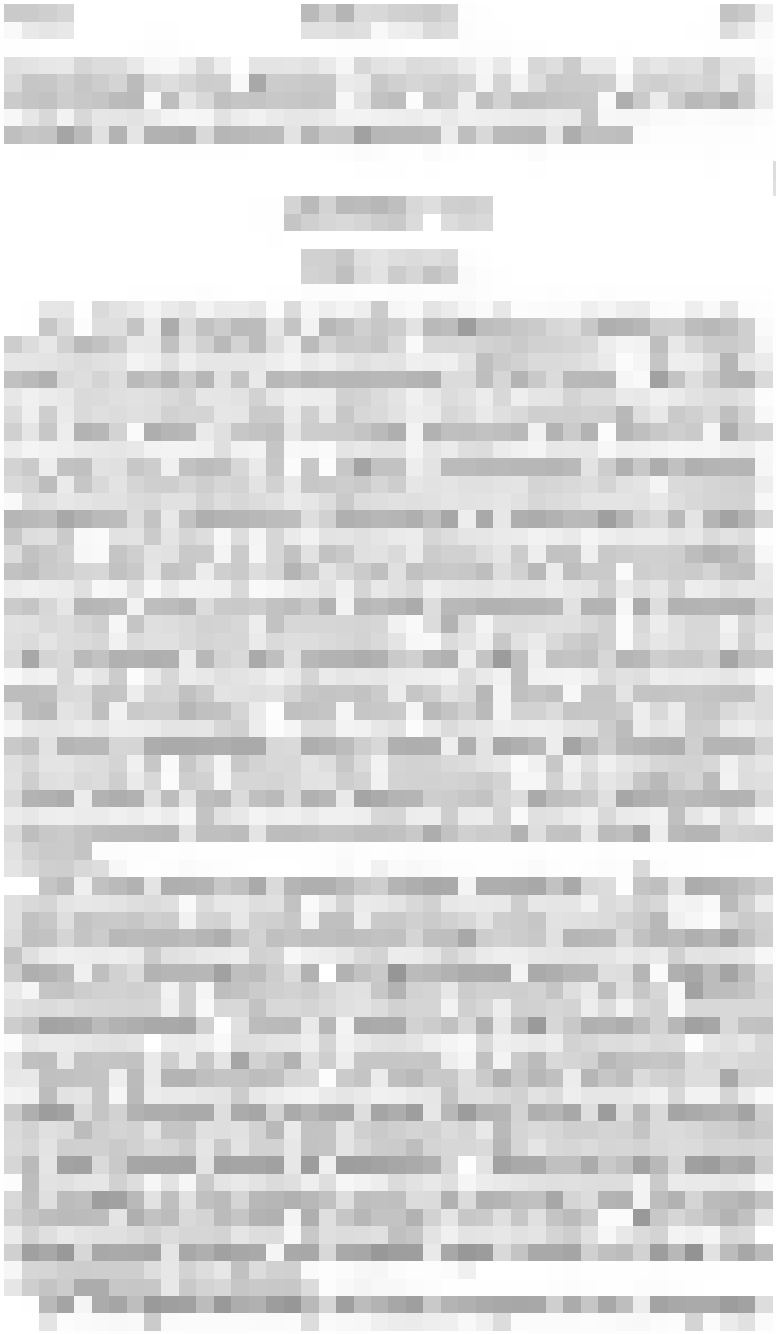
LETTER VII

THE GOAL

§ 1. THE principle of specific delegation is highly elastic. It admits of infinite diversity of application. To begin with, it involves a reconsideration of the map. But that is a virtue rather than a defect; for, if anything is certain, it is this, that a map of India designed from first to last to suit the needs of a highly bureaucratic government, with its mainspring in England, is not suited to a country governed by executives responsible to electorates in India itself: and that is the goal to which we are now pledged. Every step we now take, and specially the first, must look to a time when all purely Indian questions will be decided in India by Indian electorates. We are bound to test all our proposals by the question how they will lead to that goal, and, when it is reached, how far they will harmonize with its conditions. The very object of stating a goal is to avoid makeshifts, which come to stay and hang about the neck of the future like millstones. It is capacity to work with an eye on the distant goal, which distinguishes the statesman from mere politicians who live from hand to mouth.

§ 2. Now what are purely Indian questions? To answer that question we must ask another—what is India? The goal of responsible government implies an ideal inseparable from its attainment—a self-governing nation or nations, a Dominion or Dominions within the limits of the British Commonwealth. Now is India to be the future home of one nation, or a group of nations; of one Dominion, or of a group of Dominions? To bring matters down to a fine point, is Europe the model upon which India is to develop, or rather is she to seek her example in the territories covered by the United States of America? There are two schools of thought on this subject, and it is essential that the issues between them should be thought out in time. For everything which follows will depend upon which of those two conceptions are chosen.

§ 3. The great diversity of India in respect of race, language,



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§ 3. The great diversity of India in respect of race, language,

and religion, points to Europe rather than the United States as the natural model to be followed. If so, our aim will then be to mould Bengal, Madras, Bombay, the Punjab, the United Provinces, and the other existing provinces of India into nations, each with a domestic government responsible to itself. But if we are really keeping the goal of responsible government in our minds, this conception breaks down at the outset. We are bound to look at future needs, as well as at present conditions. These units, large as they are, have common interests which are strictly Indian—railways, tariffs, social law, and commercial law—which cannot be controlled by these units acting apart. The recent experience of South Africa, and the older experience of the other Dominions, and of the United States, proves that a number of self-governing units cannot control these interests, without establishing a central government responsible to all the communities alike. Unless we look forward to an Indian government responsible to the whole people of India for the control of interests too large for any of her provinces, those interests will have to be controlled by the Imperial Government from outside. That is the view expressed in Lord Islington's recent lecture at Oxford, but it is utterly incompatible with the Pronouncement of August 20. If Indian tariffs are always to be controlled by the Imperial Government, then matters which are strictly Indian will be controlled by an authority outside India, and that is the negation of responsible government. The nations of Europe, with all their diversity, have such interests in common, interests which cannot be controlled, so long as they remain divided in separate camps, with no common authority and no common law. Hence the spectre of war, which the United States has long banished from her shores, haunts, and will long continue to haunt, Europe. Unless India is doomed to the fate of Europe, her common interests must be controlled. We are pledged to the goal of transferring that control to India herself. Responsible government means no less, and it is in realizing that control, in becoming the mistress of her own house and in all its chambers, that India will transcend the diversity of her races, religions, and tongues, and attain in the end to the consciousness of nationalism and to the verity of nationhood. The recent declaration leaves us no choice. It is not Europe which we can take as the model for India, but a super-nation, conceived on the scale of the United States of America, as that nation

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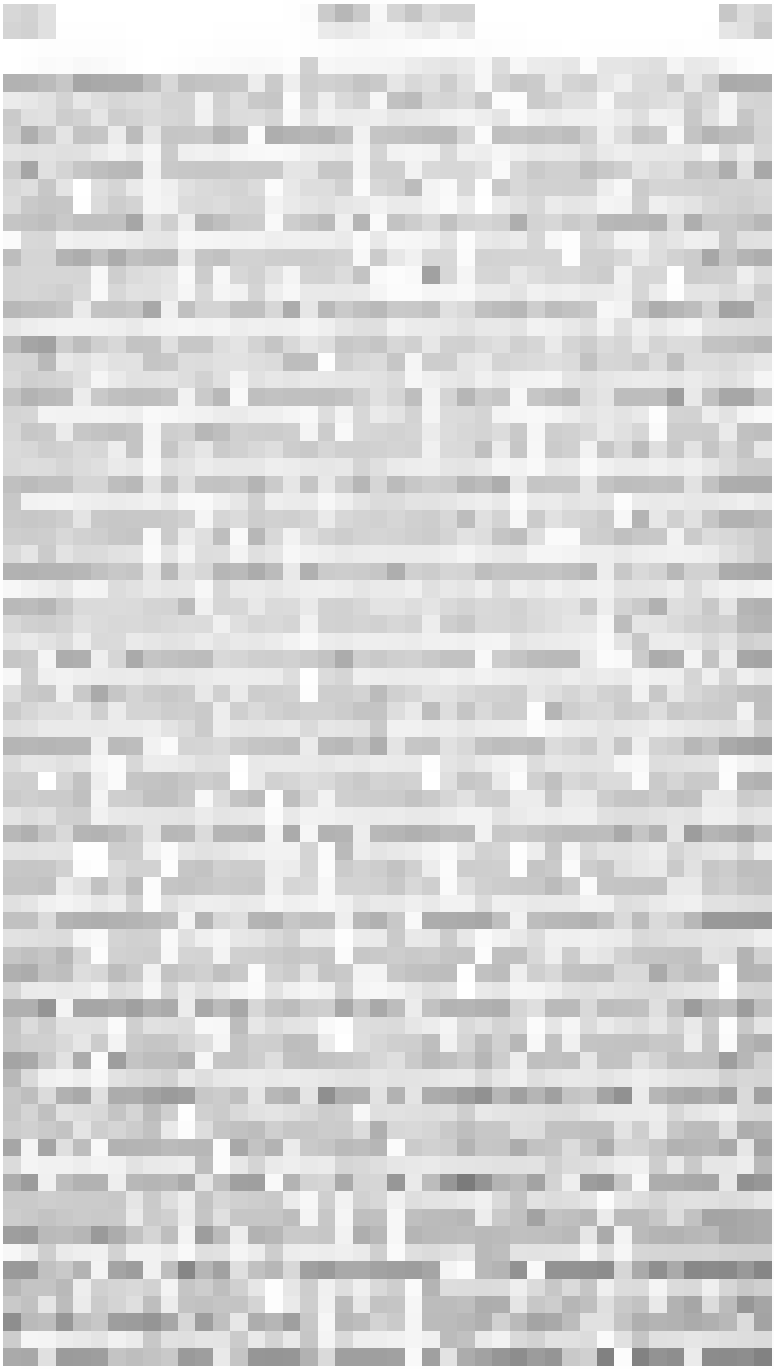
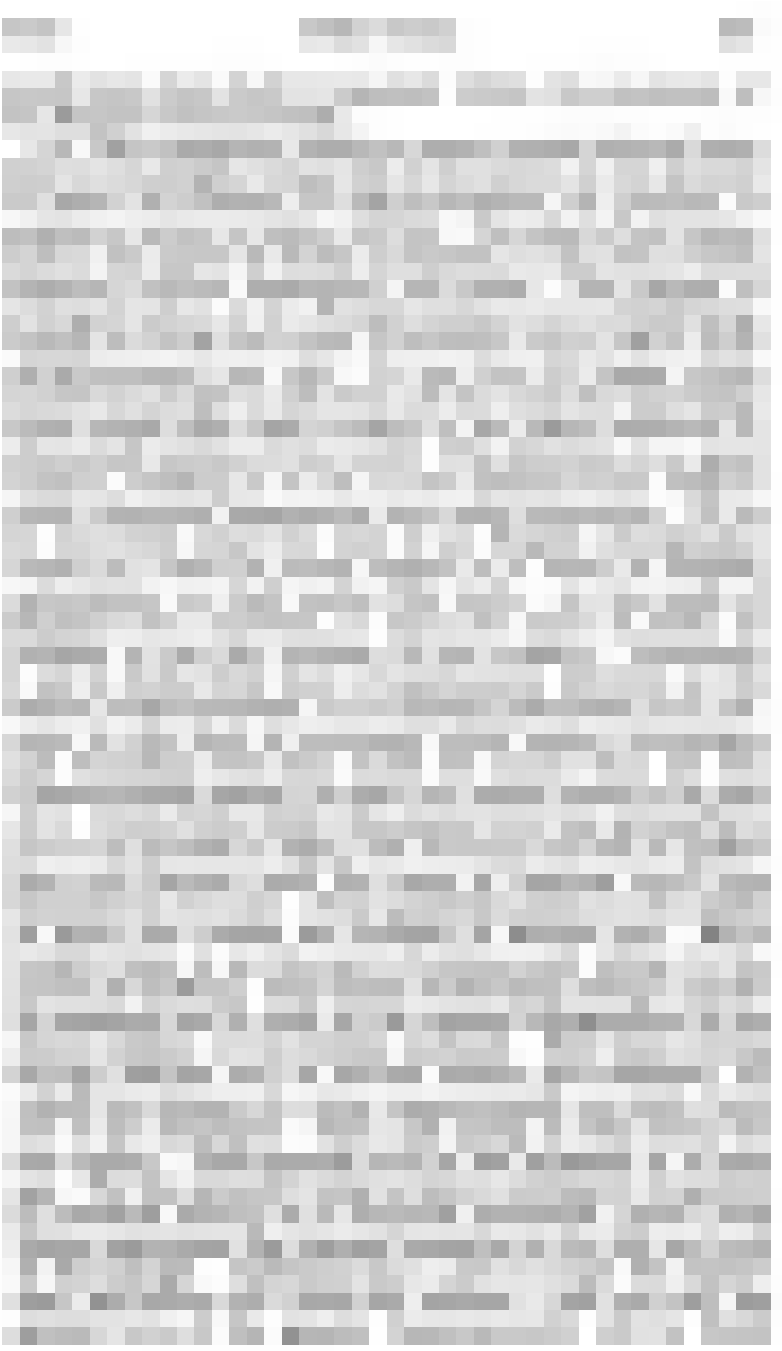


would have been had it remained within the precincts of the British Commonwealth.

§ 4. This conception, which we cannot evade without being false to our pledges, brings with it the motive, in the absence of which all schemes of self-government, all projects of making a nation in India, will fail. The ideal of an Indian nation, the appeal of Indian patriotism, is the choice which educated Indians themselves will make. The appeal of a Bengali nation, or of a Punjabi nation, is not of itself large enough to evoke the spirit of devotion upon which alone self-government can rest. It was love of Japan which moved her people to seek from all the world the knowledge which might raise their country to the plane achieved by other great nations of the world. This devotion to a great country, existing or to be, is the spiritual force without which education degenerates into mere instruction. If we do but think what the task of an English schoolmaster would be, could he never appeal to a sense of English nationalism, we shall realize this truth. As the name of England stirs ourselves, so must the name of India be brought to stir the children of this country. Personally I see in India little trace of spontaneous devotion to the British Commonwealth, or of Imperial patriotism as I conceive it—the kind of sentiment which makes Australians and Canadians feel they would die sooner than see this Commonwealth perish, or their own nation cease to be part of it. Roots from which this greater love has sprung have yet to be planted in India, and we must not look to gather that rich harvest until the seeds of freedom have long flourished in her soil. Some gratitude exists in the minds of those who realize the benefits of British rule. Much loyalty there is on the part of princes and nobles to the person of the King. The legend of that King ruling a quarter of mankind has its hold on the oriental imagination of the dumb millions of the Indian mofussil. But those strong though delicate ties of mutual esteem and affection, by which the citizens of a true commonwealth are knit, have yet to be developed. They will spring in time from the new policy. Their growth will be the triumph of a later age. For the present I believe there is nothing to be gained by artificial forcing of an Imperial patriotism, until a true Indian patriotism has become conscious in the life and soul of this people. Cultivate that; give it scope for expression, and above all a field for exercise; and one day the greater love of the greater Commonwealth will be found



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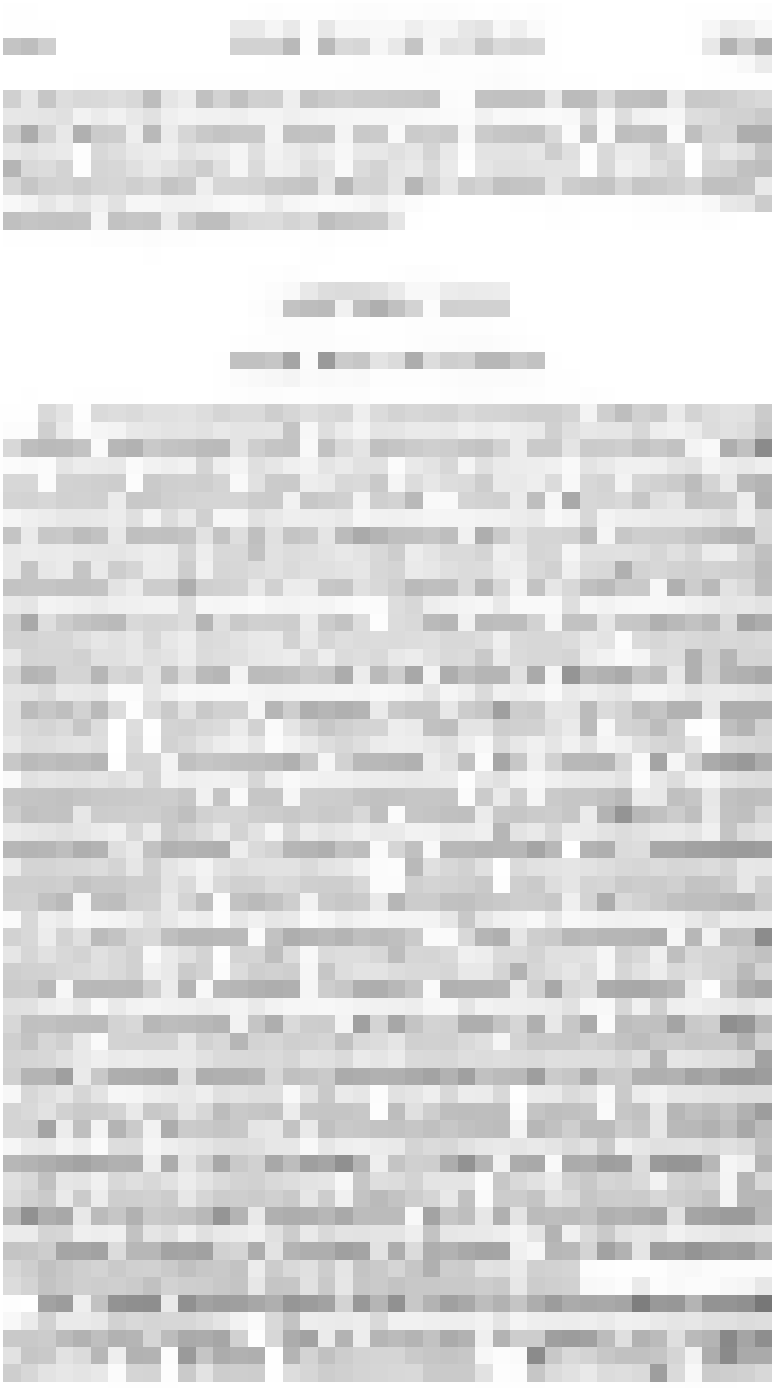
LETTER VIII

THE MAP OF INDIA

§ 1. It is in assuming the control of Indian affairs that an Indian patriotism and its after-fruits will develop. And no vision smaller than India will give to her people the internal driving force they need. Let us face the ideal of a united India in all its magnitude and in all its diversity. Let us face the difficulties with which that magnitude and diversity confront us, and endeavour to reduce them at the outset so far as we can. What place, for instance, has Burma in the vision of a future Indian nation? Geographically she is as far removed from India as Rangoon is from Calcutta. In race, language, and religion, her people have scarcely a point in common with those of India. The attempt to incorporate Burma in the fabric of Indian administration is the consequence of a system, the antithesis of popular government, which groups different communities without reference to anything but immediate administrative convenience. Burma was incorporated in India when our policy was dominated by the conception of a vast Eastern dependency. That conception is now abandoned, and India and Burma ought to be divorced. The people of neither country desire the alliance. The Burmese member has no proper place in the Indian legislature. If we really intend to create a united self-governing India, Burma should be emancipated from the Government of India, and should either be placed under the personal rule of the Viceroy, or its Government should be rendered answerable to the Secretary of State for India direct. It will be more contrary to nature to force Burma into the fabric of an Indian nationhood, than to incorporate Ireland in Great Britain, or Finland in Russia. To this important extent the problem can be simplified at once.

§ 2. India, we have said, must come to control affairs which are purely Indian. She is, however, to remain an integral part of the British Commonwealth. Her foreign affairs



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are those of the whole Commonwealth. She can never therefore control them apart. They form an integral part of the foreign affairs of the whole Commonwealth, in the control of which she must come to share. The Indian frontier is a large item in foreign affairs. Live wires run from it throughout the whole of Asia and Europe, the mismanagement of which at this end may involve the whole Commonwealth in war and set the whole of the world on fire. Here is the one critical frontier in any part of the British Dominions, and, if India were now inhabited by a people already as fitted and practised in self-government as those of England herself, it would not be possible, so long as they remain part of the British Commonwealth, to place the Indian frontier under the control of a government responsible only to the people of India. That frontier must remain under the sole, unfettered control of the Imperial Government charged with the conduct of foreign affairs. This principle ought to be enunciated and implemented now, and effect can only be given to it by reserving from the outset a strip, however narrow, from sea to sea, which would isolate a self-governing India from any contact with foreign frontiers. The proposal means no more than completing the policy inaugurated by Lord Curzon when he separated the North-West Frontier Province from the Punjab. That province has simply to be extended down the right bank of the Indus to the Arabian Sea, and eastwards along the foothills of the mountain barrier, taking a narrow strip not more than a few miles wide along the frontiers of Nepal, to the point where the boundaries of India and Burma meet on the confines of Tibet. The self-governing India of the future would then be as well isolated from complications with foreign Powers as Australia herself. The future destination of the frontier province would be signalized by removing it to the personal control of the Viceroy from the jurisdiction of the Governor-General in Council, the members of which are destined to become hereafter the ministers of a cabinet responsible to an Indian parliament. This arrangement would be closely analogous to that under which the Governor-General of South Africa is, in that capacity, the legal head of the Union Government, while, as High Commissioner, he is responsible to the Secretary of State for the Colonies, as *de facto* ruler of all British South African territories not included in the Union.

§ 3. If once it were understood that India is to be

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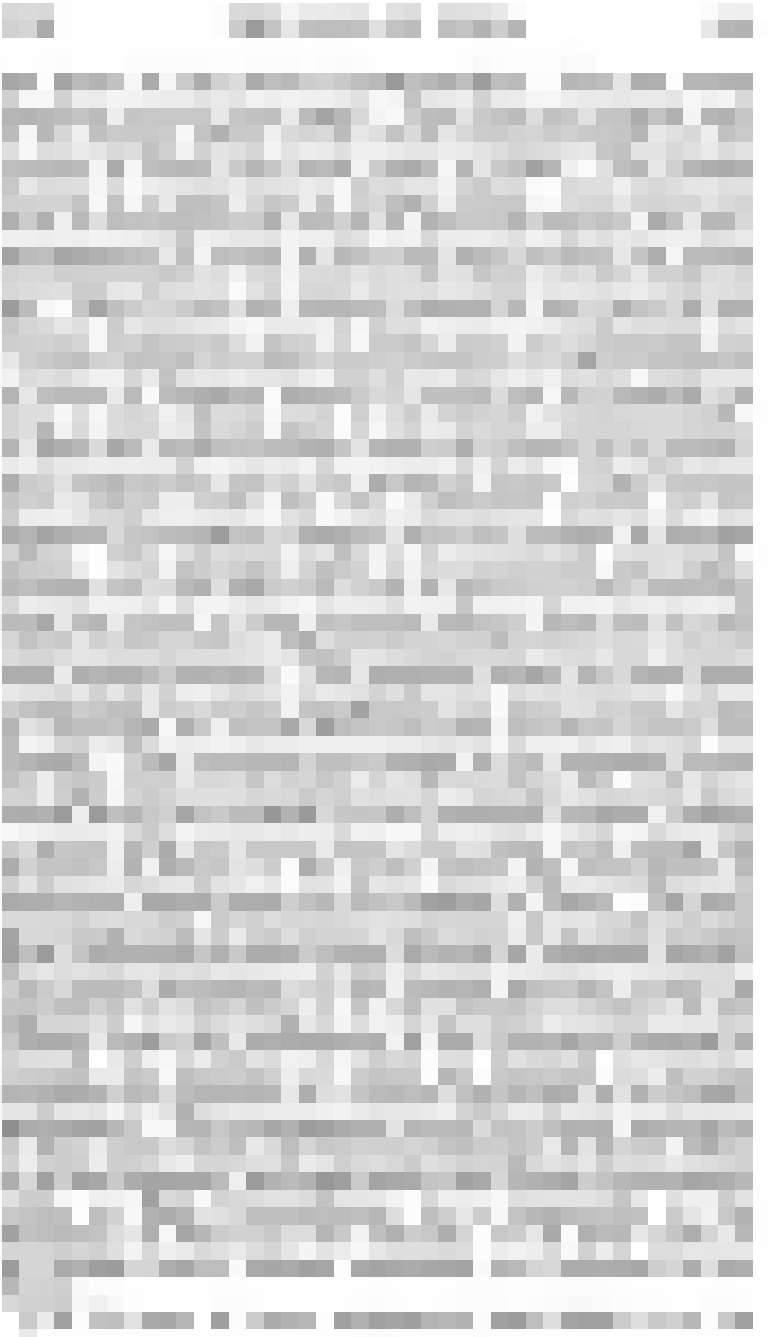

separated from foreign complications by a province destined to remain subject to the Imperial Government as absolutely and as finally as Malta or Gibraltar, the whole project of developing India as a self-governing Dominion will begin to assume a different aspect. A large factor in the alarm with which the cautious Englishman views that prospect, arises from the half-conscious dread in the back of his mind as to what would happen to the peace of the whole Commonwealth, if this, its one critical frontier, were relegated to the charge of a Dominion ministry. Such a thing would be utterly wrong in principle. Imperial control of the frontier ought to be established from the outset, and, when once that has been definitely settled, the Imperial Government can embark on steps for establishing India on the same footing as the self-governing Dominions with a lighter heart and a clearer mind.

§ 4. The territory, then, of which I am thinking as the home of a future self-governing Dominion is the Indian Peninsula bounded by the Indus, the line where the plains meet the Himalayan range and the line which divides Burma from Assam and Bengal. It is to this territory that we should consider how we are going to apply the conception of a super-nation organized on the lines of the United States of America, as it would have been had it developed as a self-governing Dominion of the British Commonwealth. Let us think how this conception affects the internal structure of the map. American publicists of the eighteenth century were accustomed to speak of the thirteen States as 'these nations'. This application of the word 'nation' to any State of the American Union would be quite impossible to-day. An American thinks of the whole Republic as his nation, and the State has now been reduced to its proper level in his mind—to the level of a province. But the province is an essential organ of that vast polity. It was far too great ever to be ruled on the lines of self-government by one administration from one centre. A nation so vast could only govern itself, provided that it was cut up into a number of provinces, each managing its own affairs for itself. These provinces had first to be got into working order on self-governing lines, with areas appropriate thereto. Then, and then only, could they be brought into proper relation to each other and to a central national government charged with the conduct of all functions too large for the several provinces to control. Amongst the problems which distract Russia at this moment are those of finding areas

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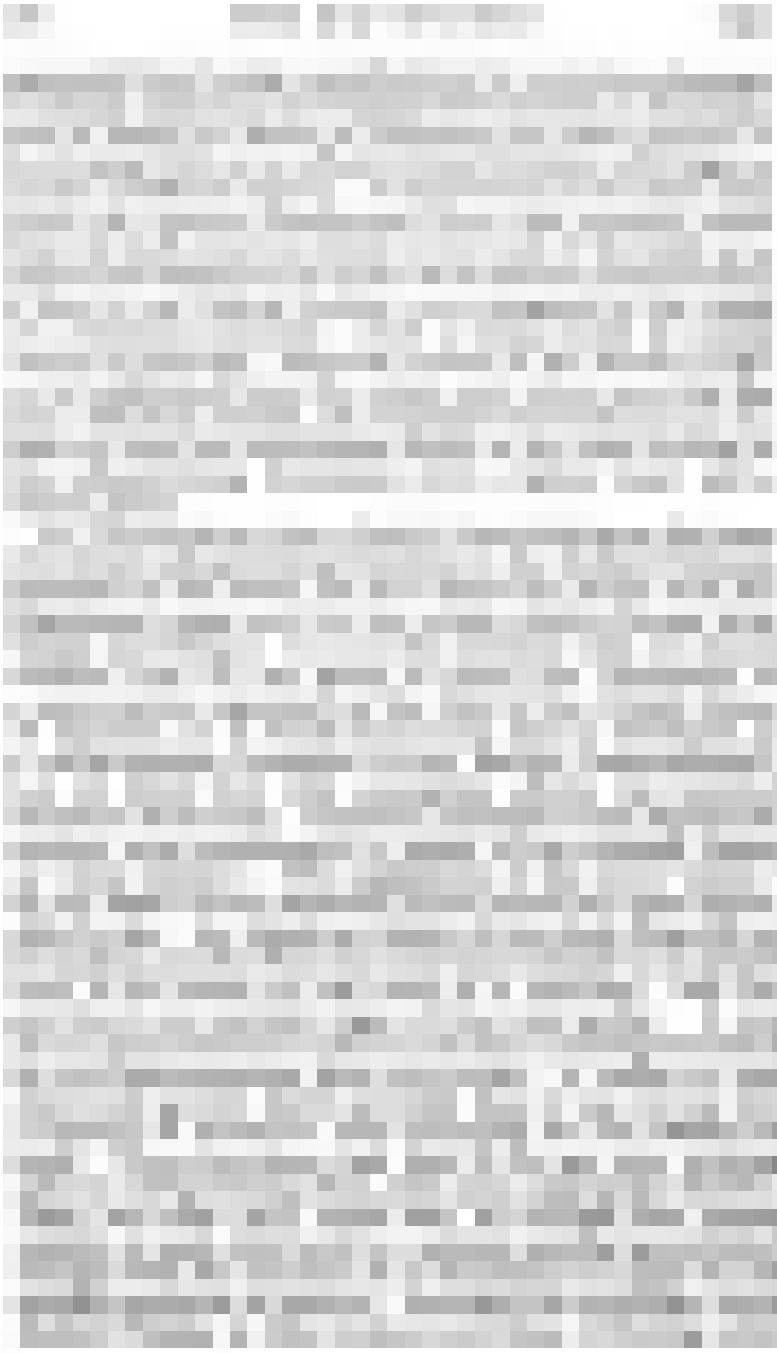
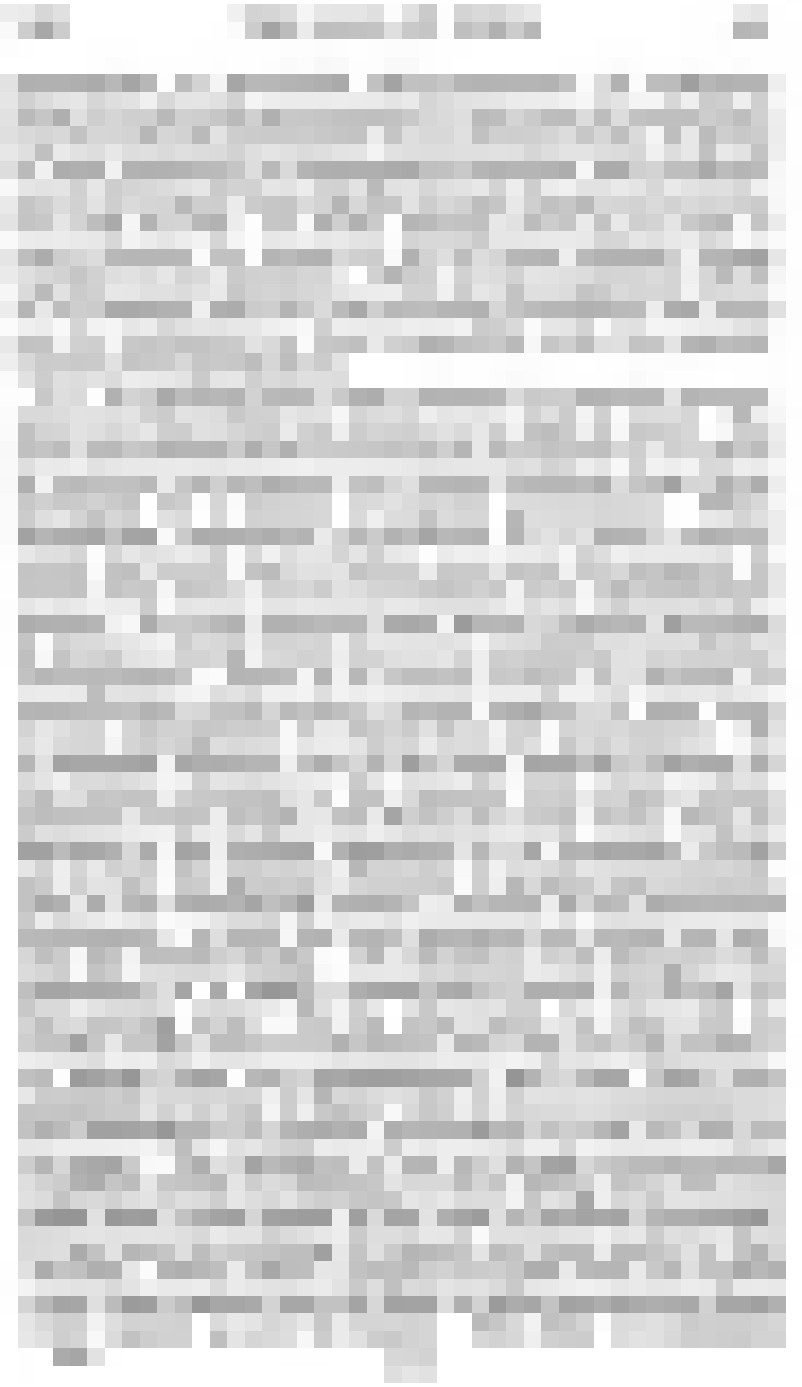


appropriate to provincial self-government, of equipping them with electoral governments of their own, of reconstructing the national government on an electoral basis, of giving to each authority its appropriate functions and revenues, and of driving all these coaches through the gate of a revolution side by side. In India, happily, there is no need to court disaster by trying to do all these difficult things together in one operation. With all the experience before us of America and the self-governing Dominions her map can be readjusted on lines compatible with the popular control of her institutions.

§ 5. In guiding India from paternal to popular government one vital truth has always to be kept in mind. The areas and administrative mechanism developed by a system of paternal government, are utterly different from those developed by a system of popular government. When introducing responsible government in a great country which has never had it before, you must be prepared to revise your areas, and to re-construct your administrative system. As every practical man knows, popular prejudice is always a factor which has to be considered in political arrangements. There is in human nature an element of conservatism which makes a great number of men cling to any arrangement to which they are accustomed. To a detached observer, one of the most pathetic features in the Indian situation is the tenacity with which certain elements of its people, and those the most vocal, cling to features in the system organized by us foreigners, which are in fact the greatest obstacles to popular government. One is our educational system ; another is the Permanent Settlement ; a third the vast satrapies into which our system has divided India. No statesman will disregard the prejudices of a highly conservative people in favour of the existing order. On the other hand, no ruler will be worthy of the name of statesman who will not help Indians to escape from our arrangements, and from their own prejudice in favour of them, when to do so is necessary for the attainment of popular government in fact as well as in name. The tendency to act as though statesmanship consisted merely in listening to those living men who can make their voices heard is the curse of modern liberalism. It has been the undoing of Ireland, and may easily be that of India. Even where a people can speak with one united voice, their verdict may be fatal to after-generations whose voice cannot as yet be heard. The duty of statesmen



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is to think out the plan which is right in itself, to state that plan clearly and boldly, and then guide the community towards it as closely as popular prejudice will allow, not failing to appeal to their innate sense of trusteeship for those who come after them.

§ 6. I propose, therefore, to begin by considering what conditions, apart from popular prejudice, are needed to realize most quickly the scheme of responsible government for India outlined in the pronouncement of August 20. I shall then go on to suggest in what manner the people of India can best be helped to approximate to those conditions for themselves.

§ 7. Now, looking at any great country, it is easy to see that there are certain areas correlative to certain organs of government. At the bottom you find the village, the town, and the district, so called in India, which corresponds to the English and American county or the French department. These areas are the field of what, in technical language, is called *local government*. In a later page we shall see how sharply the sphere of local government is to be distinguished from that of political government, which belongs to provincial and national authorities. The one deals only with administrative detail, the other includes the settlement of wide political issues.

§ 8. In all great communities the political field is, or ought to be, divided between one central government and a number of provincial governments. There are various reasons for this, which can best be explained by keeping in mind the United States. Congress at Washington could not pass all the measures required by the different parts of that vast and varied community. It would break down for want of time, and its measures would not be sufficiently adapted to the needs of the various local communities. We cannot imagine one law and system of education for the whole of America. And, if we could, its administration from one centre would be too rigid. Areas so far removed as California and New York need different systems, adapted to their local conditions and administered in response to the feelings of each community. Apart from this, an educational system, administered from Washington for all America, would be too vast for any one authority to control.

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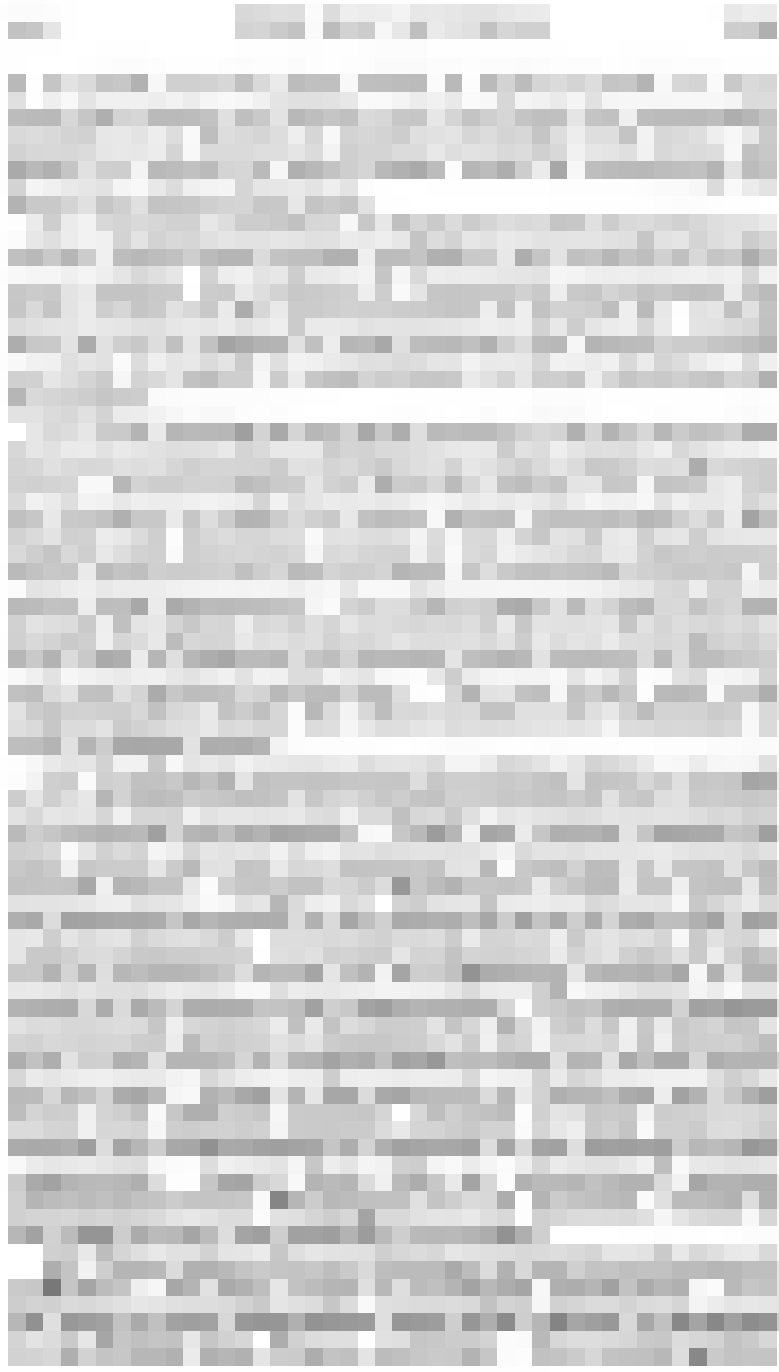

ment is unable to cope with the needs of thirty or forty millions. Effective social reform will never be attained, unless or until they develop self-governing provinces commensurate with those of Switzerland, the Dominions, or the United States. The first problem before India is to get areas in which provincial self-government can be made effective.

§ 10. At present the major self-governing provinces of India are as large as, or larger than, the three nations referred to above. How comes it that India is divided into units so vast ?

Some light will be thrown on the question by a glance at the map of North America as it existed in the middle of the eighteenth century. Its soil was then divided between three Great Empires, which all centred in Europe. Spain claimed to administer, as one huge province, all the territories now covered by Mexico, California, Arizona, New Mexico, Texas, Alabama, and Florida. Similarly France claimed a vast triangular territory, of which the north-eastern angle was opposite Newfoundland, the north-western angle near Winnipeg, and the southern angle at the mouth of the Mississippi in the Gulf of Mexico. England claimed a much smaller area, the coast strip extending from the boundary which now divides New Brunswick and Maine to the northern boundary of Florida.

§ 11. The vast territories of Spain and France were each governed as one great province from Mexico City and Quebec respectively. The much smaller British strip was already, by the middle of the eighteenth century, partitioned into no less than thirteen self-governing colonies. This partition was the natural and necessary result of self-government. Now that the Spanish and French territories have all been brought under electoral government, they have all had to be subdivided in the same way. The lesson, which can be freely illustrated from Asia, is that centralized autocracies develop satrapies which are far too large for the purposes of provincial self-government. The old Chinese provinces are on far too large a scale for this purpose. Aggregates so vast include communities so various as to need different laws and institutions to suit their peculiarities. Provincial self-government has been evolved to meet this need. Quebec and Ontario were once placed under a single government, which suited them ill ; for one was Catholic, the other Protestant ; one French, the other British. Roman law prevailed in one province, and English common

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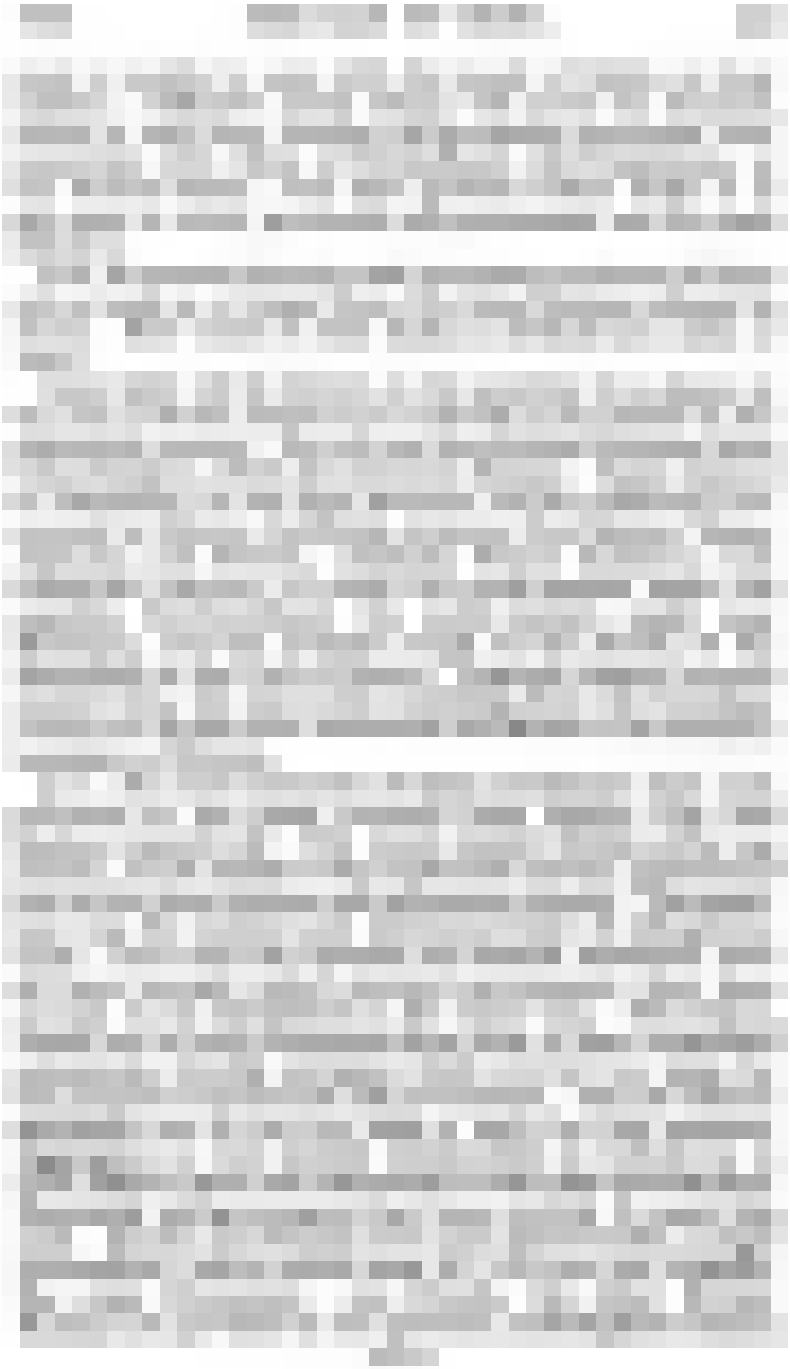
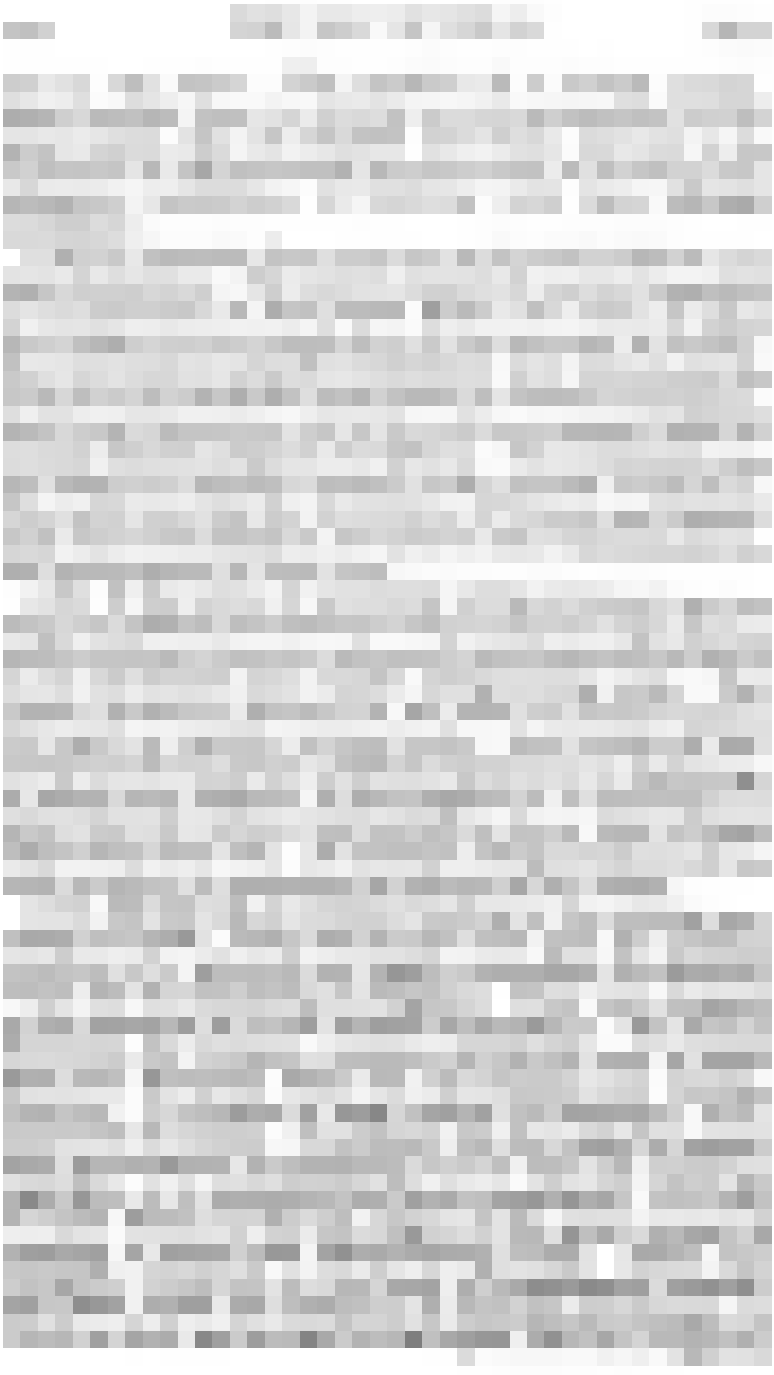


law in the other. The creation of a federal government enabled them to develop as sub-nationalities of one great nation, like the English and Scots, and yet to be separated as self-governing provinces able to develop their respective institutions in harmony with their different conditions.

§ 12. In Australia there were no such social, religious, and legal distinctions. The eastern coast-belt was first organized as one Province of New South Wales, the whole of which was subject to the jurisdiction of the governor at Sydney. But the moment popular institutions were introduced the settlers in the territories now known as Victoria and Queensland found themselves out in the cold, as compared with the central districts adjacent to Sydney. The community was too large for effective control under popular institutions. The result was that the electorates of Victoria and Queensland were both detached, and placed under separate provincial governments of their own.

§ 13. If the areas of provincial self-government are too large, an artificial and irksome unity is imposed upon the too widely different elements embraced, which presently demand to be sub-divided into smaller self-governing areas. Provinces, moreover, planned on the scale of nations tend to fall apart as separate national units. And besides all this, self-government, always a difficult business in its beginnings, is much more difficult, if first applied to a community so great that the various representatives know little of parts other than their own. To attempt self-government on too wide a scale is to prejudice its success at the outset.

§ 14. All this has an obvious bearing on the existing provinces of India. They are for the most part the artificial creations of a paternal and highly centralized Government which has its mainspring in England. They were designed as the satrapies of a vast oriental dependency. The United Provinces, for instance, contains 48,000,000, and is larger than any European State but the Russian and German Empires. It contains a large variety of languages, races, and levels of society. To attempt the first essay in responsible government, by applying it to so vast and varied an aggregate, is to prejudice the whole experiment. It is also to court failure in the last stages of this great project of creating a united and self-governing India. These vast satrapies, conceived on the scale of considerable nations, will learn, under the influence of electoral government, to think as such, and so tend to fall apart, like the overgrown



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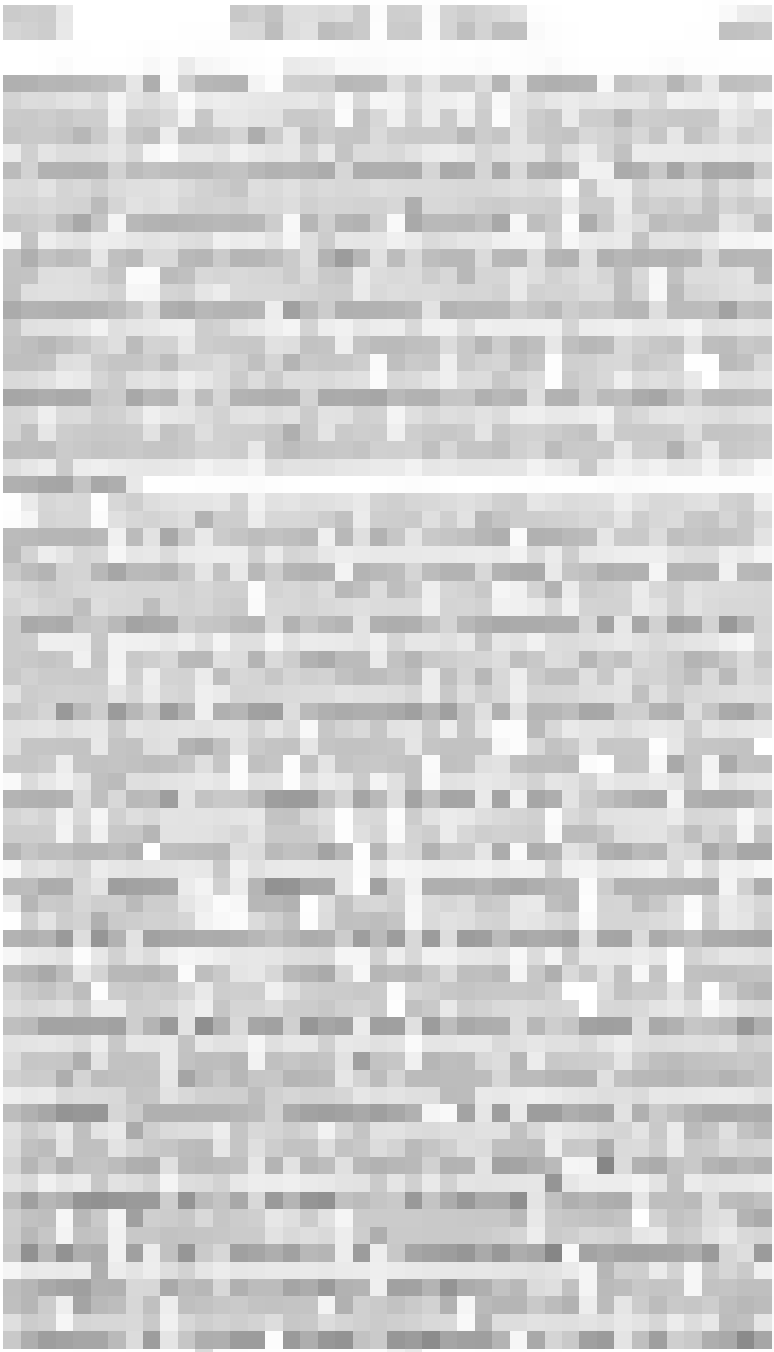
provinces of China. If India is to be taken as the true national unit, as it must be, it is of vital importance to consider now what the proper provincial units are to be out of which the whole national fabric can be built. The moment you begin to establish electoral governments, the boundaries of their jurisdictions, lightly sketched by the pencils of officials and diplomats, begin to bite into the political map like acids. The boundaries of artificial areas like those of Roumania, Bulgaria, and Serbia, carved out of the Turkish Empire, have within a few decades become lines over which their respective inhabitants have fought and bled. The internal peace of India generations hence will depend upon the wisdom and foresight with which the areas of provincial self-government are planned in the initial stages of the new departure.

§ 15. Once again we may refer for guidance in solving this problem to the example of the United States of America. That Republic is divided into forty-eight States, with an average population of 2,000,000 souls. Of these the most closely settled is New York, with a population of 10,000,000. Thus, if we take the largest State of the United States of America as our standard, British India, with its population of 240,000,000, might appropriately be divided into some twenty-four larger and smaller States. The term 'States' was suggested to me as having two merits. In the first place it helps to suggest the model of the United States, and to keep it in mind. In the second place it gives a description nicely parallel to that of the Native States which might, I suggest, be conveniently described as 'Principalities'. This change of title will enable us to adopt the American term State in describing the provincial areas, which, as I think, India must have in a federal system based upon popular government. And in this connexion let me add that the division of India into some twenty-four States would give areas far more comparable to the major Principalities, the largest of which, Hyderabad, contains 13,000,000 inhabitants. It is natural to suppose that the Princes of India will come to play a part in the life of the great nation to be called into being. If they follow the example set by several of the leading Princes, who have laid the foundations of a representative system, they will develop in the direction of constitutional monarchies, in sympathy with movements inaugurated in British India. The Princes themselves should be gathered in the Upper Chamber of a great Indian legislature, so that the Indian



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nation of the future will not lack the leadership for which it will naturally look to its hereditary statesmen.

§ 16. In suggesting the most populous State of the American Union, with its population of 10,000,000, as the standard to be used for States in India, no suggestion is made that these States should be constituted on any mechanical principle. The defect of the present areas is that they are too mechanical. The Province of Bihar and Orissa, for instance, combines communities with an almost cynical disregard of the differences between them. The plan suggested will remedy these unnatural unions. This particular province would fall naturally into three Provincial States—Bihar, with its population of 24,000,000, and Orissa and Chota Nagpur, with 5,000,000 apiece. But Orissa itself ought to be increased by the inclusion of those people of the same language and race who inhabit the northern extremity of Madras and the Central Province. The disparity in size between these areas is no greater than that which exists in the United States, and in all the other federal Unions. Bihar is, of course, a dangerously large unit upon which to begin an experiment in provincial self-government, and might have to be subdivided, as Virginia has been. The first consideration is to get communities which, as contrasted with those of the British Isles, France, and Italy, are not too large for effective self-government on really provincial lines. Where possible, historic areas like Sind should be taken. But unity of language, race, and religion are also important factors, and language is the most important of all. The greatest obstacle to a real extension of popular government in India is the practice of conducting public business in the English tongue. By all means let English occupy the same position as Hindustani has in Northern India since the time of the Mughal Empire. In English lies the hope of national unity and of knowledge from the outside world. Let the public records be kept in English; extend knowledge of that language in every possible direction. But if all discussion of public affairs is conducted in English, then public life is going to be confined for many generations to come to a narrowly restricted class. How can electorates ever be brought to grasp the questions submitted to their judgement, if all public discussion is to be conducted in a foreign tongue? The use of the vernaculars in politics is essential if India is to advance towards responsible government at any but the slowest pace. The areas of provincial self-government must be designed largely with

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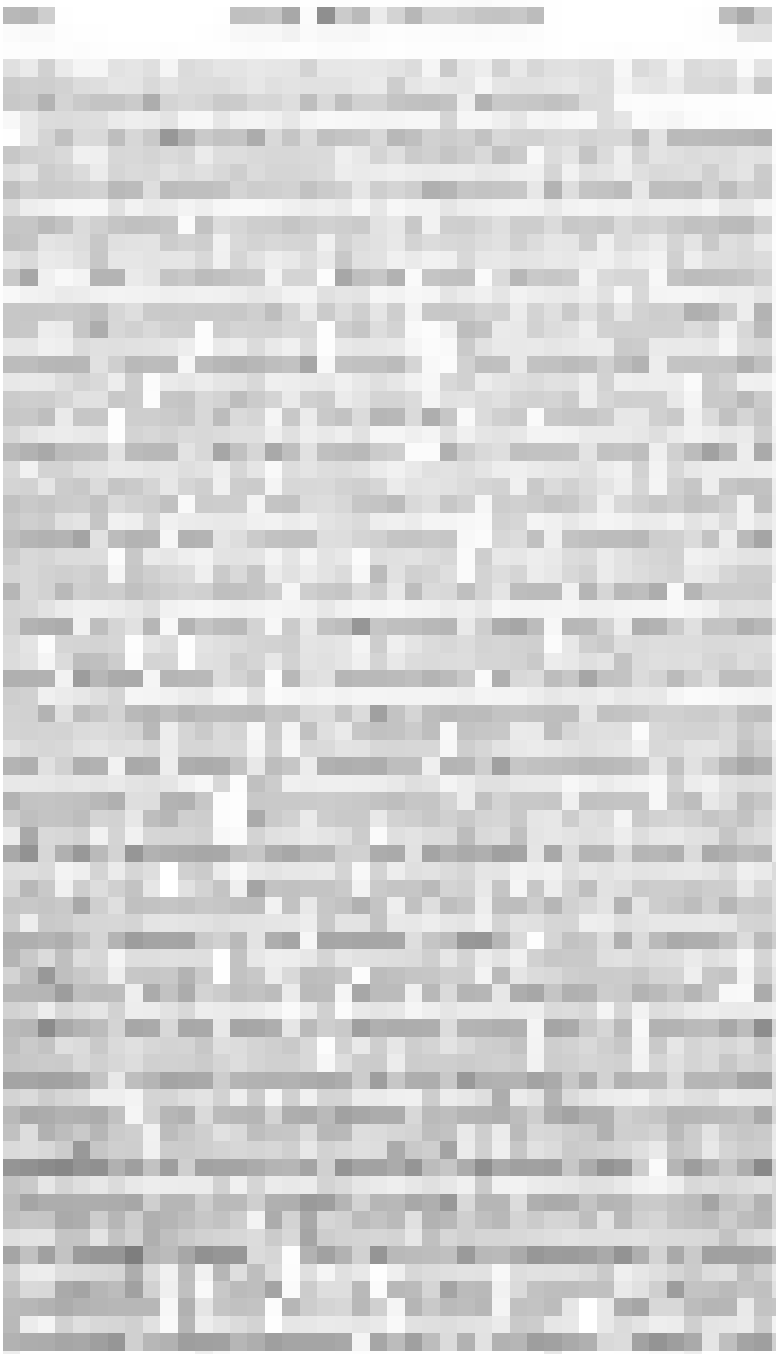

a view to making it possible for public business to be discussed in a language which all the legislators can speak with ease, and which the largest possible number of electors can understand. Given these conditions, a vast number of land-holders and others, who cannot conduct debates in English, are rendered available for public life. The hope of popular government lies in the vernaculars.[1]

§ 17. The educated classes in India have long claimed their country's right to develop on the lines of a self-governing Dominion, and that claim has now been recognized in words which I venture to prophesy will prove as irrevocable as Magna Carta itself. I have heard a number of Indians say that it is only in the last few months that they have begun to realize what responsible government means; and indeed it would be strange if it were otherwise. If Socrates were here he would say that such confessions were the beginning of wisdom, and if you are to take the self-governing Dominions as the model upon which you mean to construct the polity of India, it is vital to realize what a Dominion means. A community so different as India cannot copy their constitutions outright. The real lesson they have to teach is that of all commonwealths, that the polity of India must be built up by a series of experiments and in accordance with the lessons they give. But certain lessons can be learned at once, from the experience already gained by the Dominions, and one of those lessons can be read in Quebec. No one will question now that it was a mistake on Lord Durham's part to try to force this French people of the Roman Catholic communion into an unnatural union with the British and Protestant community of Ontario. The main point of the federal structure adopted by Canada is that it enables a national union to be realized, while leaving distinct racial, linguistic, and religious units, organized as self-governing provinces, to lead their own life under their own conditions.

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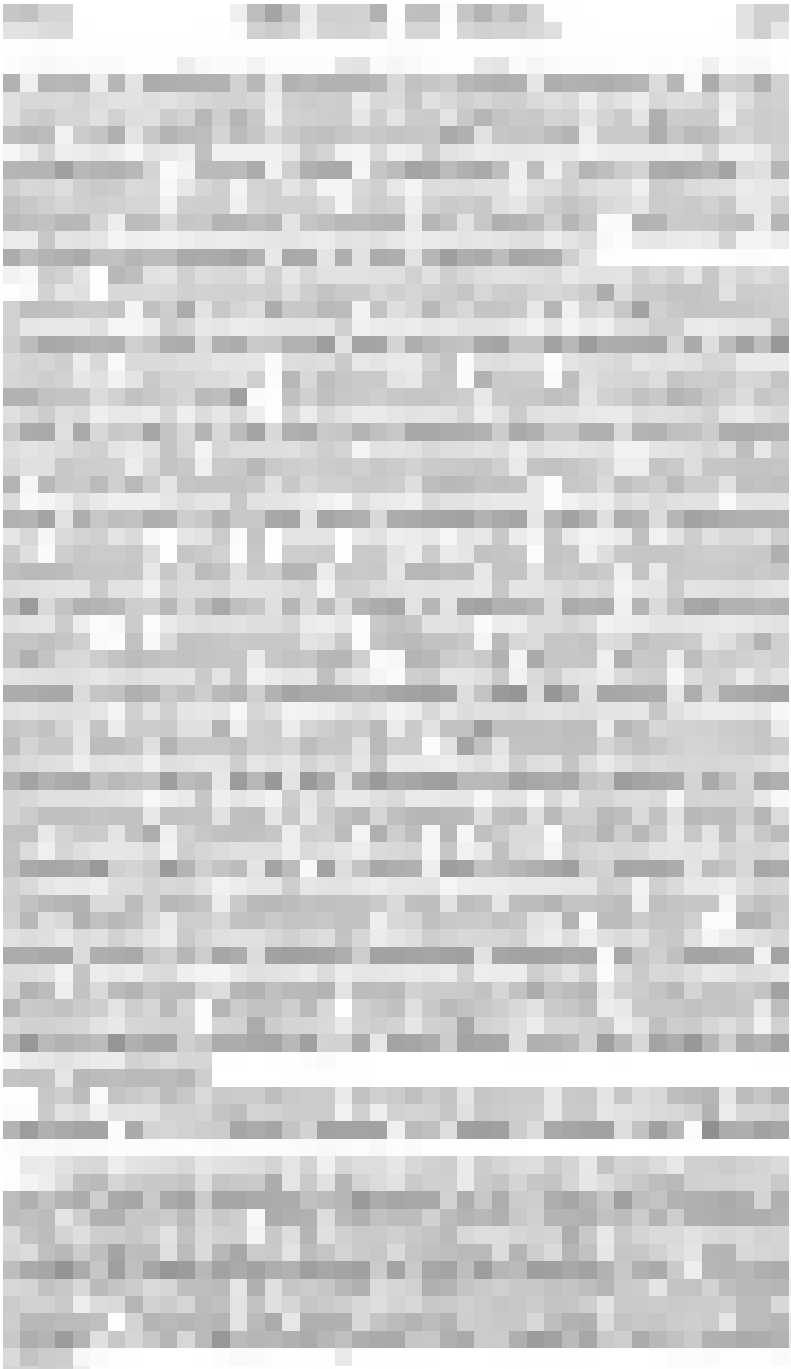

Commonwealth, under which Sind and the Canarese-speaking people are tied and bound into the same self-governing unit as the Marathas ? Are not the Marathas themselves entitled to a State such as will perpetuate the traditions of that famous community ? Are the Tamil and Telugu peoples of Madras to be given no separate institutions of their own ? Are the Ooriyas to be left dispersed amongst three provinces, the larger section being left under the permanent domination of the people of Bihar ? To base responsible government on such units is not only to ignore the experience of the other Dominions, but to violate principles for which we are fighting in this war. You cannot base responsible government on units evolved on principles which are the antithesis of that system. You cannot graft figs on thorns, or grapes on thistles.

§ 19. The greatest of all the lessons to be learned from the United States and the self-governing Dominions is that India must build up her own constitution from her own experience. But before this can happen India must be given a chance of earning her experience. She must also be given electorates capable of reading that experience, and organs through which they can express their views. At present the people of British India have no experience of anything but of the vast unwieldy satrapies in which their races and religions are jumbled together. Before they can really judge of their own future needs, they must be given some experience of self-governing units of a size and character such as have been found necessary wherever responsible government has been achieved on federal lines. When this has been done, India will be in a position to choose for herself, as the result of her own experience, what areas are needed for the achievement of her ideal.

§ 20. Let me illustrate my meaning from the case of the United Provinces. In the plan proposed in the Joint Address, four self-governing States are to be created within that Province : Oudh, Benares, the Doab, and Meerut, with an average population of about 11,000,000 each. To each of these governments are to be given certain specific functions, revenues, and powers of taxation. The old province and the existing government are to remain in being, administering all the functions which have not been transferred. But at stated intervals those reserved functions and correlative revenues are to be transferred to the self-governing States, as their governments demonstrate their capacity for the additional burden.

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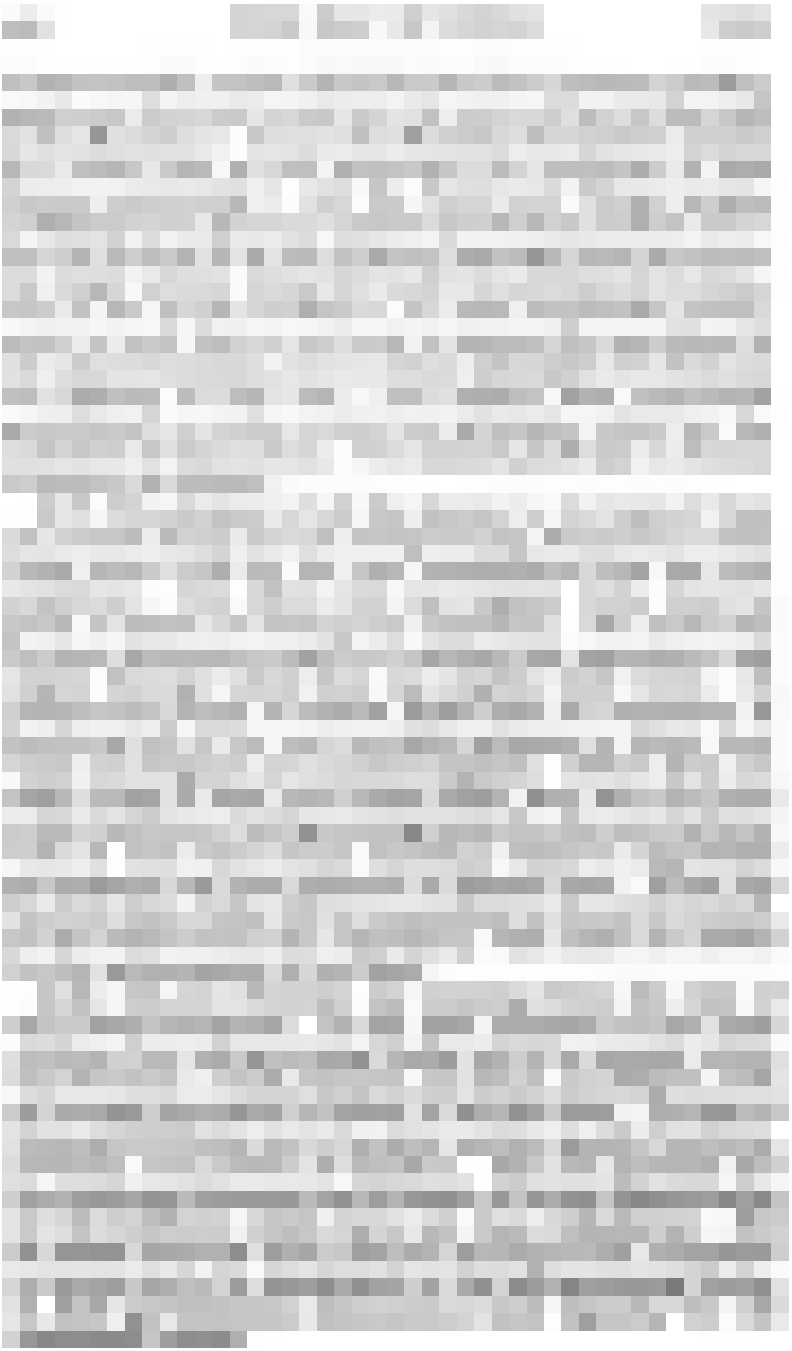

§ 21. The last powers to be transferred are justice and police. When the States are ready to assume these, the time will have come when Indian statesmen from all the States, and also from the Principalities, must come together to frame a constitution under which the Government of India itself can be made responsible to an Indian electorate. India will then know who her real leaders are. She will also have developed a real public opinion based on experience. Above all, she will have electorates, legislatures, and ministries through whom that public opinion can find expression. The time will have gone when any handful of people can claim to express the voice of India.

§ 22. Thus when the accredited statesmen of India assemble in Convention to frame the National Constitution they will have seen the working of self-governing States of the kind which have been found necessary in other federal unions. But the old satrapies will still be in existence ; and India can make her choice in the full light of experience. And three possible courses will then be open from which to choose. One will be to abolish the smaller States and merge them again in the old province. Or else India can decide to keep the States and let the old provinces go. There is, however, a third and quite possible course upon which her assembled statesmen may decide, which has been suggested to me, since the Joint Address was drafted, by an eminent historian and political thinker.

§ 23. The Indian community is so much vaster than any which has yet achieved federal self-government that experience may well prove that, between the central government and the district, not one but two areas and organs of provincial self-government may be needed. It will be quite open for the convention which drafts the final constitution to decide that Indian society needs the province on the scale of present satrapies *between the central government and the self-governing State*. An Indian nation constituted on these lines would then have a federal government responsible to an Indian electorate, and provincial governments for communities of forty or fifty millions responsible to provincial electorates, and State governments for communities of about 10,000,000 responsible to State electorates.

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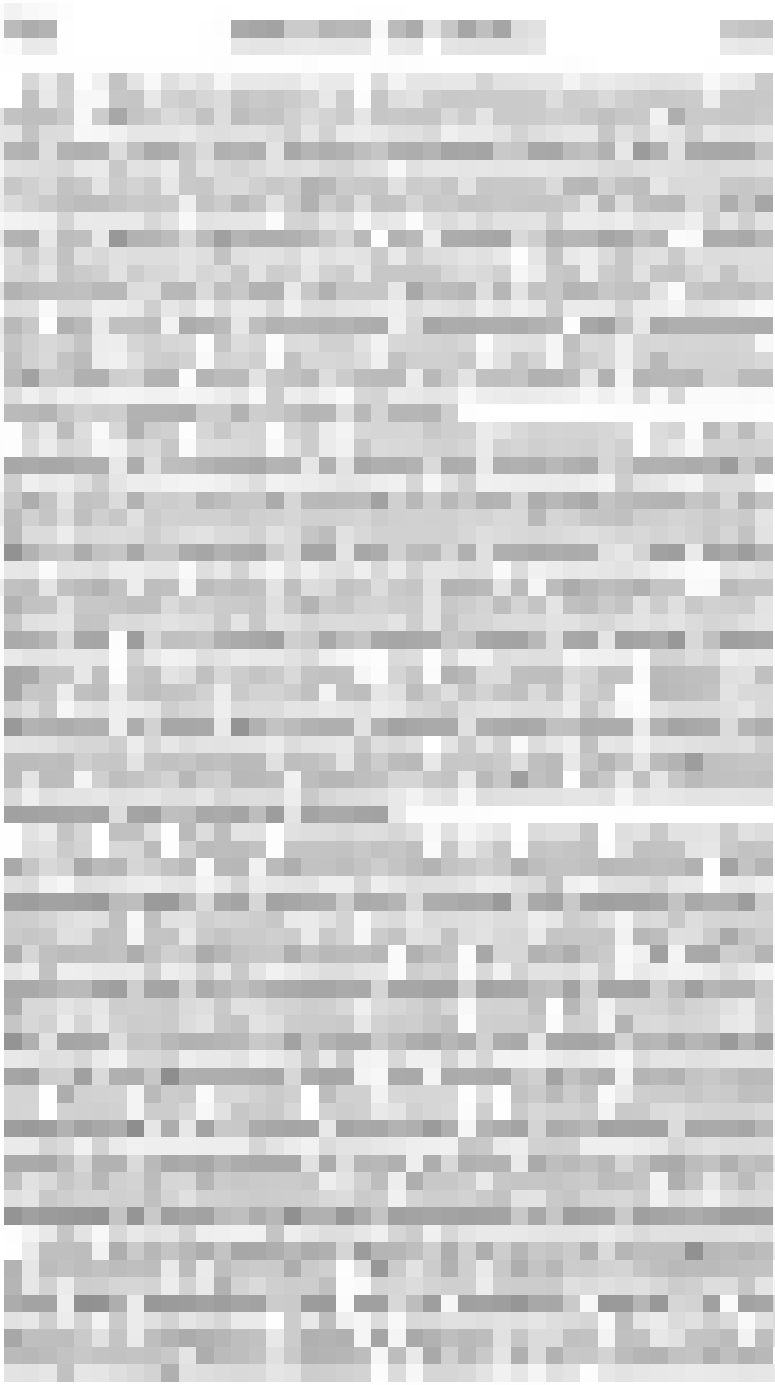

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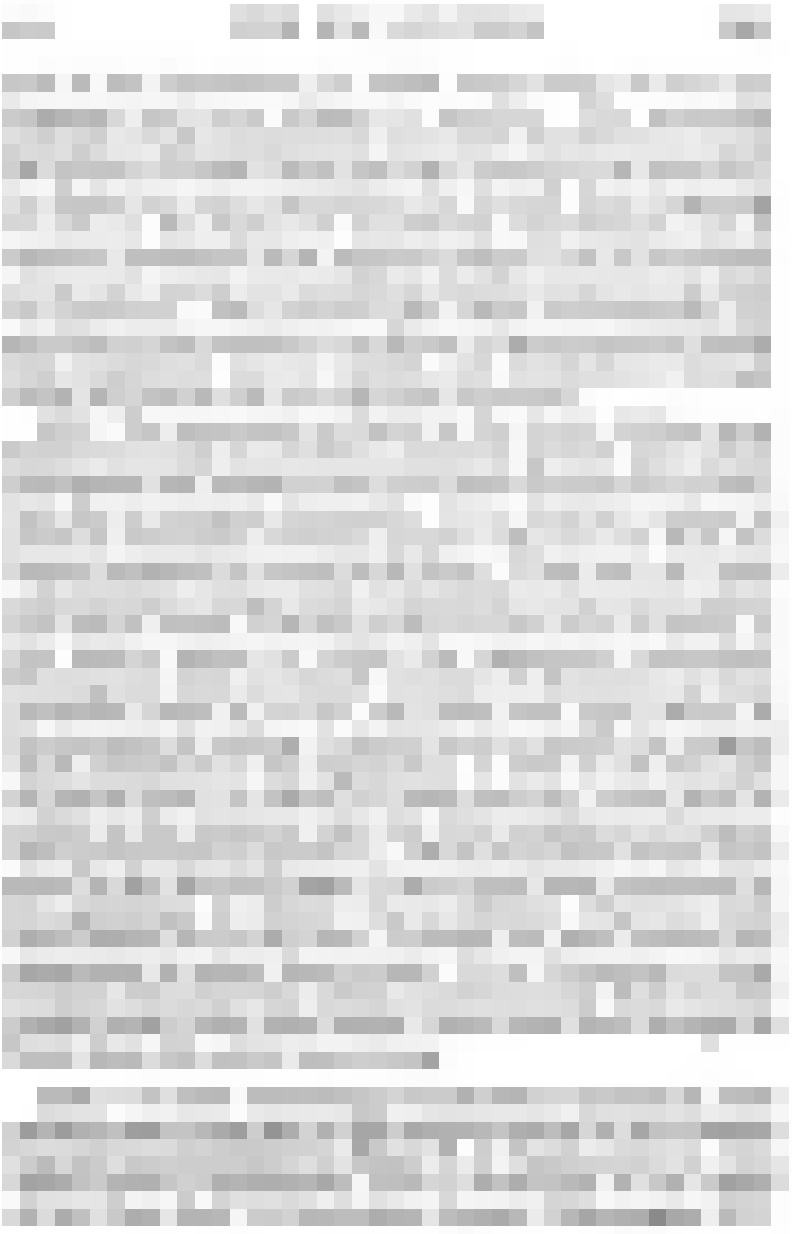

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LETTER IX

ADMINISTRATIVE MECHANISM AND ITS RECONSTRUCTION

§ 1. We have now reached a point at which it will be convenient to notice one formidable criticism which cuts at the root of the whole principle upon which these suggestions are based. It is from the pen of an experienced administrator referred to on a previous page. His remarks on the subject are as follows :

> Finally, my experience as an administrator condemns the scheme as alien to the present structure of the administration. Due to historical reasons, which it is unnecessary to specify, the functions of government are interwoven in a complete fabric and are not separate garments capable of division. There are no vertical lines along which the fabric can be divided. The district staff are the main threads running throughout the whole.
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> No official can satisfactorily serve two masters, whose instructions will be conflicting, without neglecting the interests of one. There might be some possibility of success with two entirely separate staffs each responsible to its own government, which is surely the case in the parallels mentioned by you, but none for a single staff responsible to two governments, which must be the case until Indian sentiment changes and until India can afford the more expensive duplicate establishments. Without the active support of the district officer, the progress of the departments of agriculture and co-operative credit would be seriously handicapped. How is it possible to divorce the management of forests, so intimately connected with the well-being of the people, from the general administration ?

§ 2. The argument, as I understand it, is as follows. The various functions of government are parts of a garment woven without seam which cannot be separated from each other. The public works department, the irrigation department, the forest department, the agricultural department, the educational department, &c., must all be kept in relation by the general control of the revenue department, i. e. the commissioners and collectors and board of revenue. Separation of any one department from the rest is alien to the present structure of the administration.

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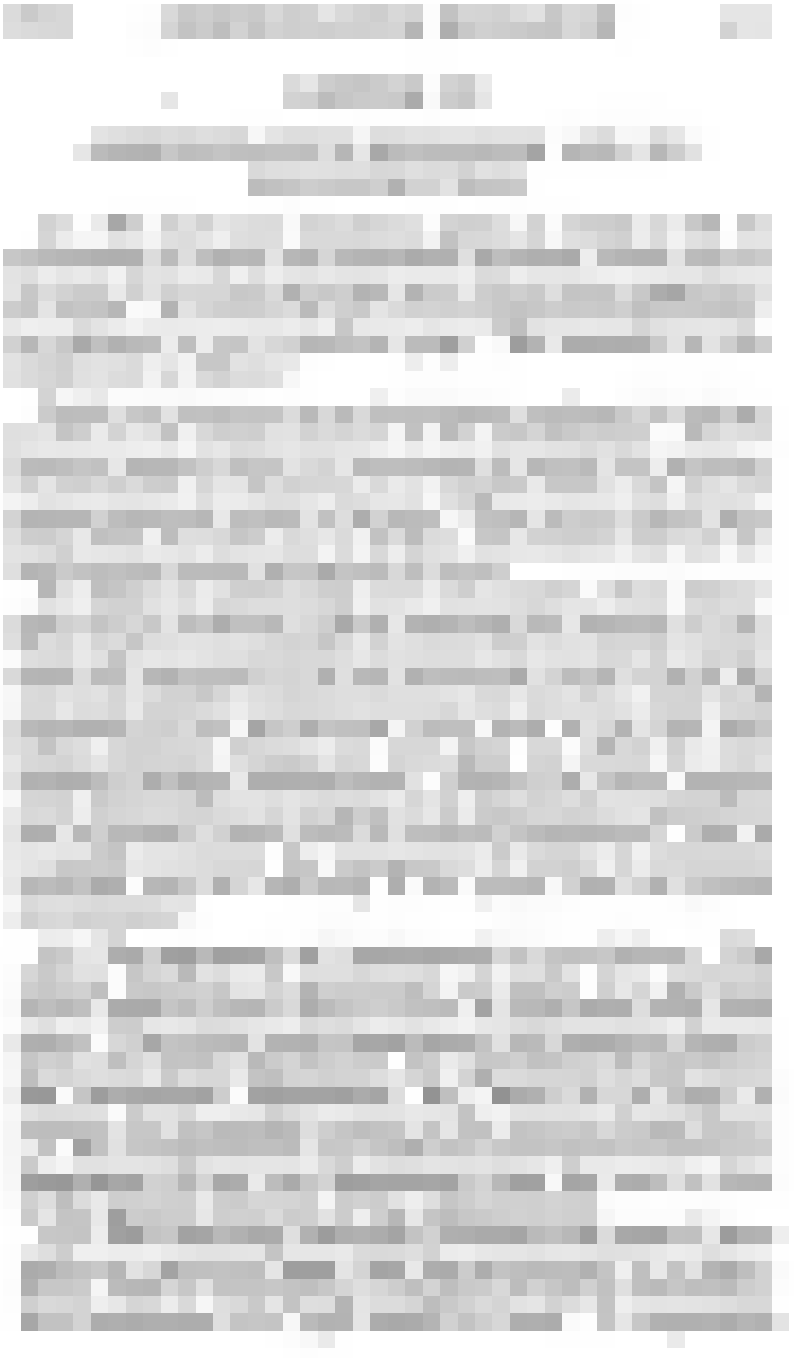

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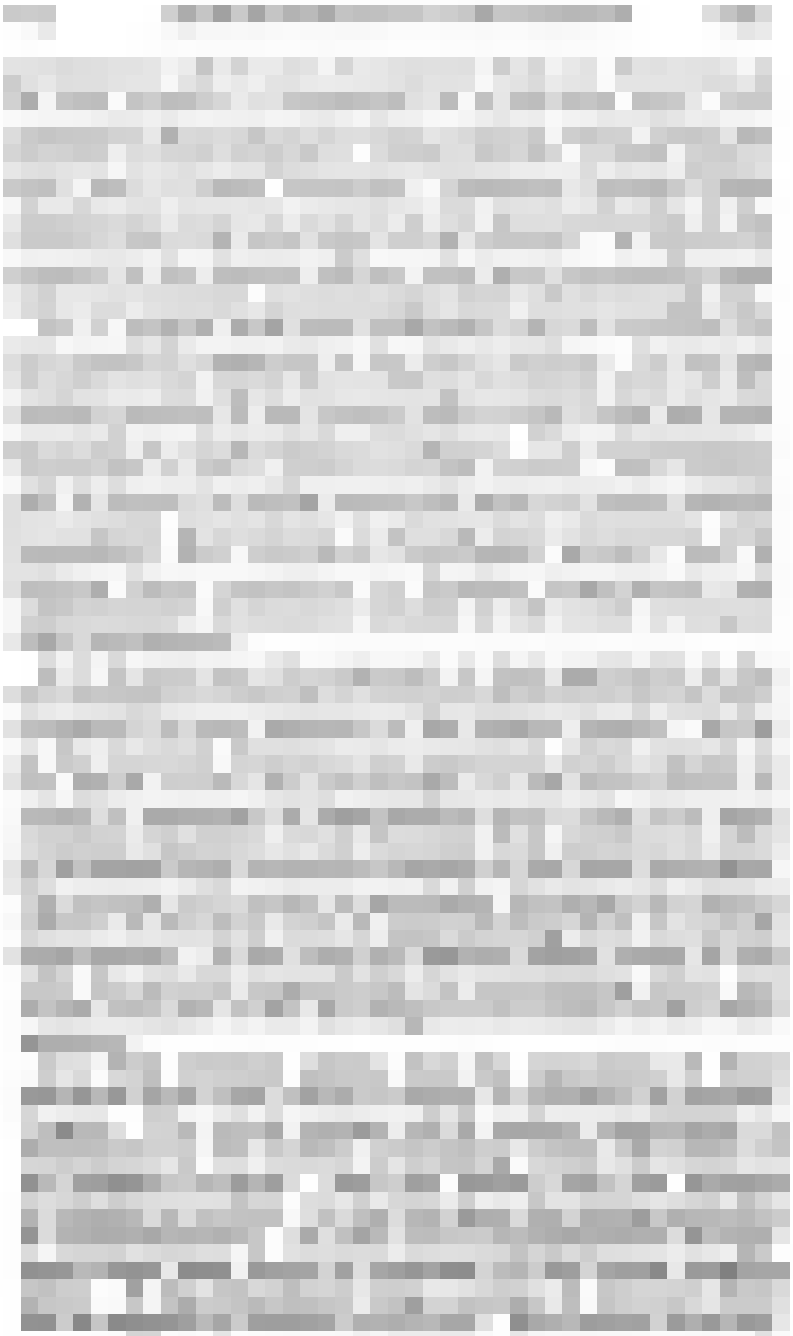
§ 4. I suggest that these difficulties can be overcome by the expedient suggested in the Joint Address. In the last chapter it was urged that existing provincial areas are the natural product of the system under which India has been governed as a dependency of England. The administrative mechanism is also a product of that system. The solution will be found, in taking provincial areas or States suitable for popular government, in giving them electorates with legislatures and executives responsible thereto, and in leaving those executives to develop departments and administrative mechanism suitable to the needs of responsible government.

§ 5. In any case the argument is least applicable to the first instalment of functions, because those have already been delegated in some measure to the district boards. So far as the reserved functions are concerned, which remain in the hands of the old government, it will have leisure in which to rearrange its organization with a view to a more complete separation of one function from another, in order to facilitate their successive transfer to the State ministries. The process will consist in gradually divesting the district officers of functions and of appropriating them to specific departments. In the end the district officer would be left with his general responsibility for maintaining order, and would only pass at the last stage to the control of the State ministry.

§ 6. This criticism admits that the separation of these functions from each other is largely a question of expense. I agree. The whole system, as at present established, is dominated by the motive of keeping within the limits of an inelastic revenue. And the reason why the revenue is inelastic is twofold. In the first place the taxing authority is unrepresentative. An alien and unrepresentative Government must keep down its expenses to the lowest possible point. It has abandoned large sources of revenue which can be tapped by elective authorities. But intense economy,



government which takes its impetus from an electorate of its own requires a mechanism of a different type. For responsible government involves a system under which one minister controls irrigation, another forests, a third agriculture, and a fourth education. Harmony between these departments must be secured by the joint authority of the cabinet under the leadership of the premier. It cannot be secured by the district officers, who must eventually come under one minister, and must take their orders through him.

§ 4. I suggest that these difficulties can be overcome by the expedient suggested in the Joint Address. In the last chapter it was urged that existing provincial areas are the natural product of the system under which India has been governed as a dependency of England. The administrative mechanism is also a product of that system. The solution will be found, in taking provincial areas or States suitable for popular government, in giving them electorates with legislatures and executives responsible thereto, and in leaving those executives to develop departments and administrative mechanism suitable to the needs of responsible government.

§ 5. In any case the argument is least applicable to the first instalment of functions, because those have already been delegated in some measure to the district boards. So far as the reserved functions are concerned, which remain in the hands of the old government, it will have leisure in which to rearrange its organization with a view to a more complete separation of one function from another, in order to facilitate their successive transfer to the State ministries. The process will consist in gradually divesting the district officers of functions and of appropriating them to specific departments. In the end the district officer would be left with his general responsibility for maintaining order, and would only pass at the last stage to the control of the State ministry.

§ 6. This criticism admits that the separation of these functions from each other is largely a question of expense. I agree. The whole system, as at present established, is dominated by the motive of keeping within the limits of an inelastic revenue. And the reason why the revenue is inelastic is twofold. In the first place the taxing authority is unrepresentative. An alien and unrepresentative Government must keep down its expenses to the lowest possible point. It has abandoned large sources of revenue which can be tapped by elective authorities. But intense economy,

especially in capital expenditure, has also dwarfed the growth of revenues. The institution of authorities, able to raise and spend more because they are elective, will lead to an expansion of existing resources as in Japan. But in any case, without incurring additional expense, there can be no real change in the direction of popular government. Unless the policy proclaimed by the Secretary of State is to be renounced, additional expense must be faced. The resources of the country will bear it, and will expand in response to a more generous public expenditure. Poverty need arrest political progress in India no more than it has done in Japan. These conclusions are based upon a study of the revenue system which I have made elsewhere.[1]

§ 7. If a real instalment of responsible government is to be given, it must carry with it powers of imposing new taxation. Self-government implies self-taxation. No power of voting will create a sense of responsibility in electorates, unless it involves power to order an increase of service to be rendered, coupled with a power conferred on the elective authority to impose the additional cost on the class from which the voters are drawn. There are two ways in which this may be done. Certain taxes capable of expansion, and roughly commensurate in their present yield to the cost of the duties transferred, may be handed over. The other and simpler plan is to hand over a proportion of the existing consolidated revenue commensurate to the powers transferred. This lump sum would grow with the general growth of revenue. If the Provincial State government desired to spend more on a service, e. g. primary education, than the growth of this revenue justified, then it must have certain sources of new taxation upon which to draw. The excise and power to increase cesses on land are the obvious sources. The essential point is that the new sources of revenue to be drawn upon should involve imposts which the voters themselves will feel.

§ 8. In order to build up and develop electorates in India the governments responsible thereto must have powers of taxation of their own. But the ministries must also have officers of their own, drawn, of course, from the existing services, but re-organized in departments of a type suitable for control by cabinets responsible to legislatures and electorates. I scarcely see how else the change necessary in the structure of the existing mechanism can be managed. Nor do I see how ministers, legislators, and electors are to

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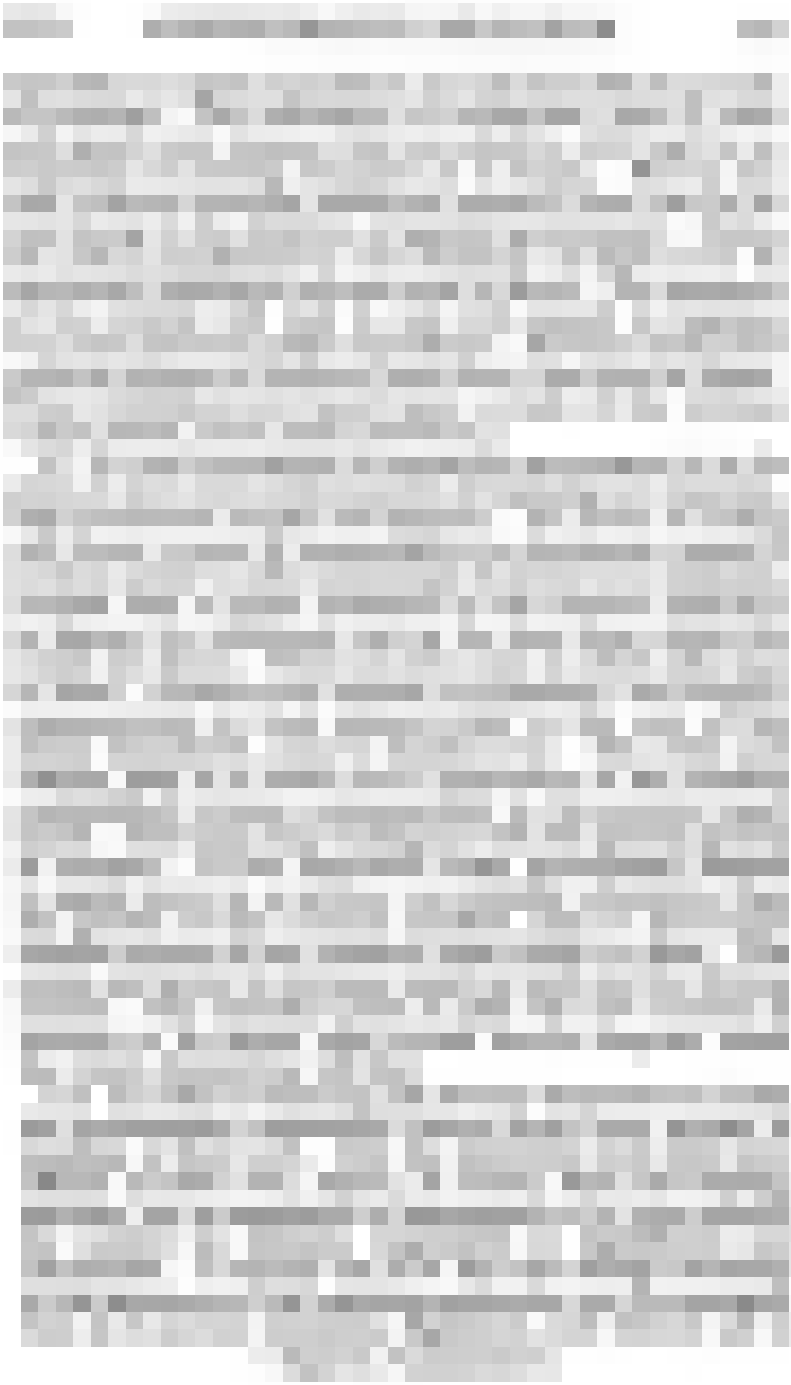

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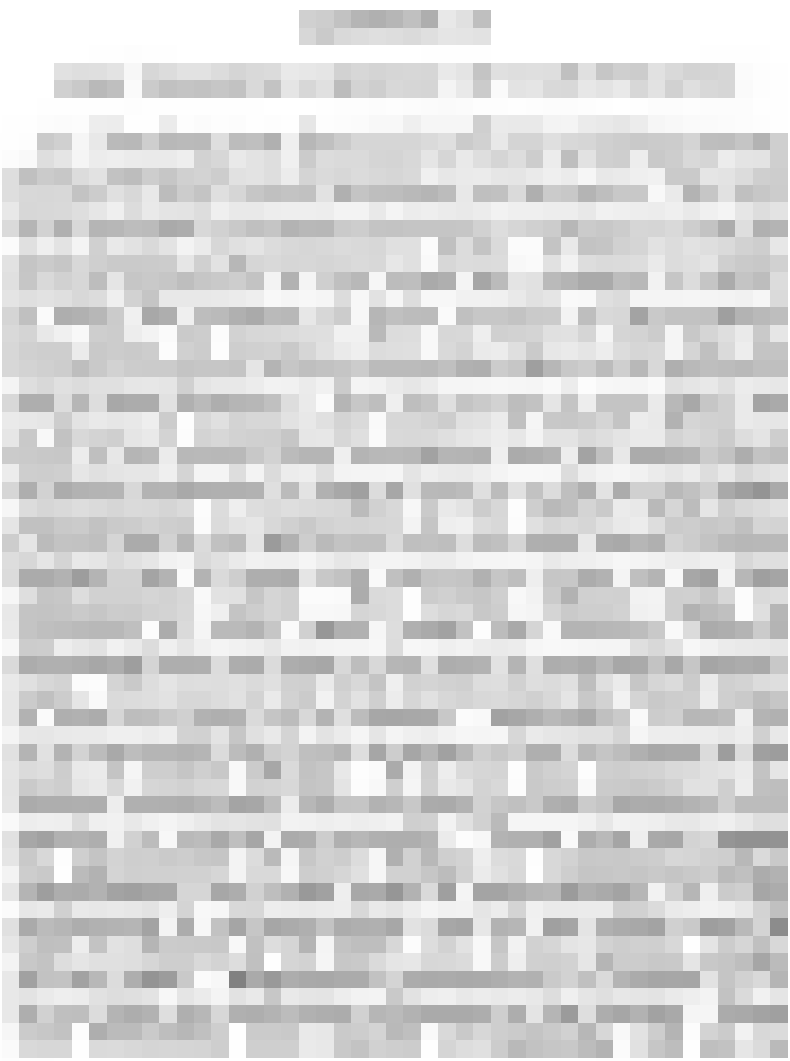
LETTER X

THE TRAINING-GROUND OF ELECTORATES

§ 1. The first step, then, is to call into existence governments responsible to electorates in each of the States, and transfer to them certain functions and revenues. The crux of the problem is to create electorates competent to bear the whole burden of government in India. A failure to realize the full significance of this truth has operated, I believe, to delay the progress of India towards self-government. How often, for instance, does one hear it said that the transfer to Indians of more responsible offices is an important step in that direction! Now let me say at once that I am in favour of reducing the number of British officials in India to the lowest point compatible with the maintenance of British authority so long as, and in so far as, the Indian administration is responsible to the British Parliament. I should like to see this done, if for no other reason, because England can ill spare this continuous drain on her best administrative talent. But Indian officials might be appointed to every office under the Viceroy, without advancing India one step on the road to responsible government. It is not in the civil service that the future rulers of India are going to be trained. Personally, I have yet to be convinced that India is going to find its leaders in the ranks of retired officials. It is not men trained in the Russian bureaucracy who are going to lead Russians from anarchy to orderly government. Those who are urging the appointment of more Indians to commissionerships, collectorships, and other posts of responsibility, *as a step preliminary to self-government, and as one which must be taken in advance of all others*, are, in my opinion, simply off the track. Responsible government is possible in so far as there are electorates adequate to the burden. Given such electorates, men capable of leadership will not be



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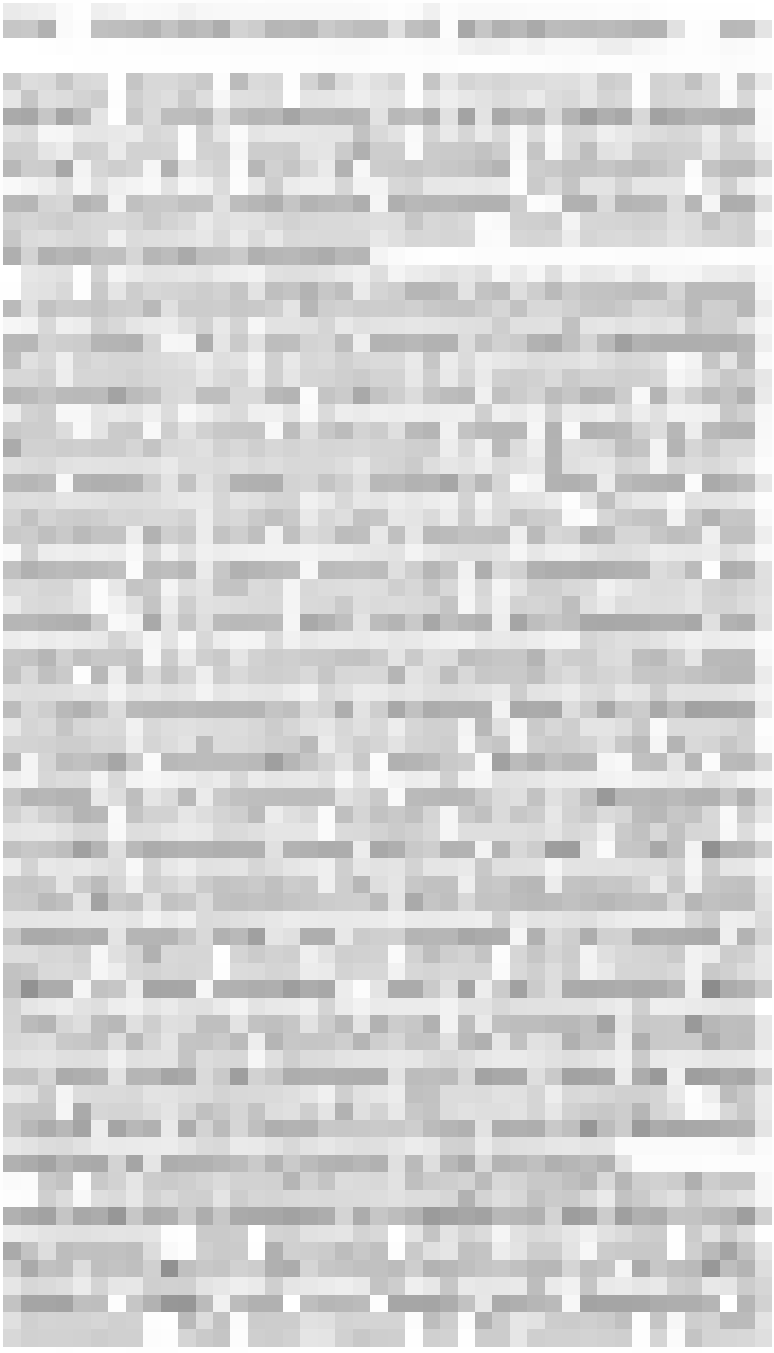
wanting, though they will not be found in the ranks of officials. If your bureaucracy were at once Indian throughout, and also the most highly trained in the world, you would not be in sight of responsible government until you had evolved responsible electorates. The key to the problem before us is electoral reform. Civil service reform is another question altogether.

§ 2. In a previous chapter I urged that electorates cannot be developed merely by the kind of education given in schools and colleges. It is only by exercise of some responsibility that electorates can be rendered fit to exercise more. Such responsibility may and indeed must be limited, to begin with; but in order to have any effect it must be real. Representative government hinges on the fact that electorates cannot do things for themselves. They must have representatives through whom to do them. Those representatives they must be able to dismiss by their votes, for otherwise their agents would not be responsible to the voters. But political responsibility is always a two-sided relation. If it means that executives and legislatures are responsible to the electorates for carrying out their mandates, it means no less that the electorates are responsible to their representatives for rendering them the necessary obedience and providing them with the funds and powers. A genuine responsibility is always bilateral. It is not enough for an electorate to instruct its representatives to build more roads, to multiply schools and colleges, or to settle contentious issues this way or that. They must also learn by experience that these things cannot be done unless they are prepared to see those representatives impose taxation upon them, and to acquiesce in the exercise of powers without which their elected rulers cannot give effect to their mandates. Just as the electorate must from time to time have the power of dismissing its agents, so must the agents themselves be able to retire and refuse to serve unless the electorate will grant them the means and powers required to give effect to its mandate. The system must be so simple as to bring home this elementary position as quickly as possible to the electorates.

§ 3. In various quarters it is strongly argued that electorates must first be prepared by experience in the field of local government. The advocates of this view would begin, where Lord Ripon tried to begin thirty years ago, by making district, village, and town boards really responsible to electorates. And their reason for this position is partly



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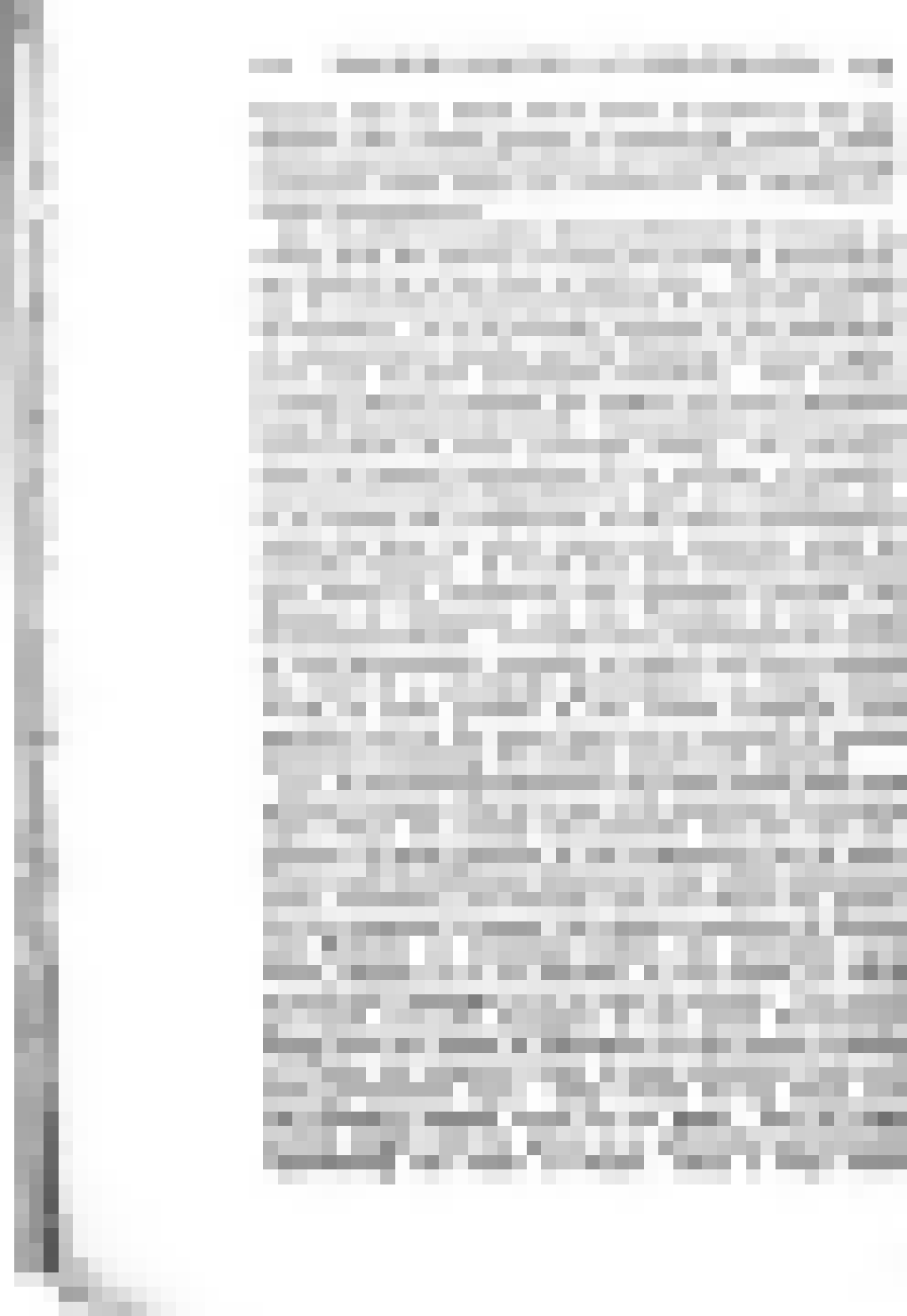
because, like my friend whose letter I quoted in the last chapter, they cannot picture a transitional system, under which some provincial functions are transferred to electoral authorities while others are reserved to the existing provincial governments.

§ 4. In order to examine these positions it is necessary to realize that the spheres of local and political government are divided by a line that is fairly clear. The field which can be covered by local government is much the same in all countries. It is of necessity confined to the settlement of administrative details, and the framing of minor regulations and by-laws inseparable therefrom. The London County Council is perhaps the largest and most important body of the kind in the world. Its population and revenues exceed those of many sovereign States. On education alone its annual expenditure is in millions of pounds: and yet if it were empowered to pass an education Act, or to change the constitution of the minor municipalities within its area, its whole status and character would be radically changed. It would then have assumed functions now vested in Parliament and discharged through the Minister of Education and the President of the Local Government Board. It would have outstepped the limits of local government, properly so called, and have entered the field of a provincial government — a thing which would be quite possible if the United Kingdom were parcelled out at the same time into a number of similar provinces containing five million people and upwards.

§ 5. A provincial government is an organ which deals with political subjects, that is to say, with questions of principle upon which not merely the interests but also the consciences of great sections of the community are at issue. There is all the difference between a body which administers roads, sanitation, and schools, and one which can decide, by the measures it passes, the relative positions of Hindus and Moslems on municipal bodies, the principles upon which religion is to be handled, or the extent to which a particular language is to be used in schools. You could not hand over the functions of the Local Government Board and the Board of Education to the county councils of Wales, nor empower them to pass education Acts and local government Acts. They would be too small, and the diversity created would be too great. But all these powers might well be given to a provincial government representing the whole of Wales. Such a body would



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§ 6. The same is equally true of India. The creation of local authorities and the definition of their constitutions and powers is a political function. It is none the less one which cannot be undertaken by the Government of India, but must be relegated to provincial governments. In recent years the educational policy of the government of the United Provinces and municipal legislation have involved the settlement of sharp issues between the Hindu and Moslem Communities. In such legislation the Provincial government decides the nature of the minor revenues assigned to these bodies, and within what limits such revenues can be increased or reduced. It has also to decide what grants from government revenues are to be placed at the disposal of the boards, and especially the principle upon which such grants are to be apportioned amongst the numerous local authorities. The decision of such issues cannot be left to the district and municipal boards. To them is entrusted the construction and maintenance of roads and drainage systems, the control of building, &c., and the making of by-laws dealing with these subjects. In the educational sphere it is left to the boards to decide where to open new schools, where to close schools, where to aid them, how to staff them, how to train the staff, where to build new buildings, how to build them, and so on. In many of these matters they are required to satisfy certain minima conditions laid down by the local self-government board or the educational department.

§ 7. In the joint scheme it is proposed to transfer minimum powers at the outset to Ministries responsible to legislatures and electorates for areas such as could serve as the future self-governing provinces of a United States of India. These minimum powers would include the control of local government and of primary education. This does not mean that they would be nothing but enlarged district and municipal boards, but the very opposite. It means that

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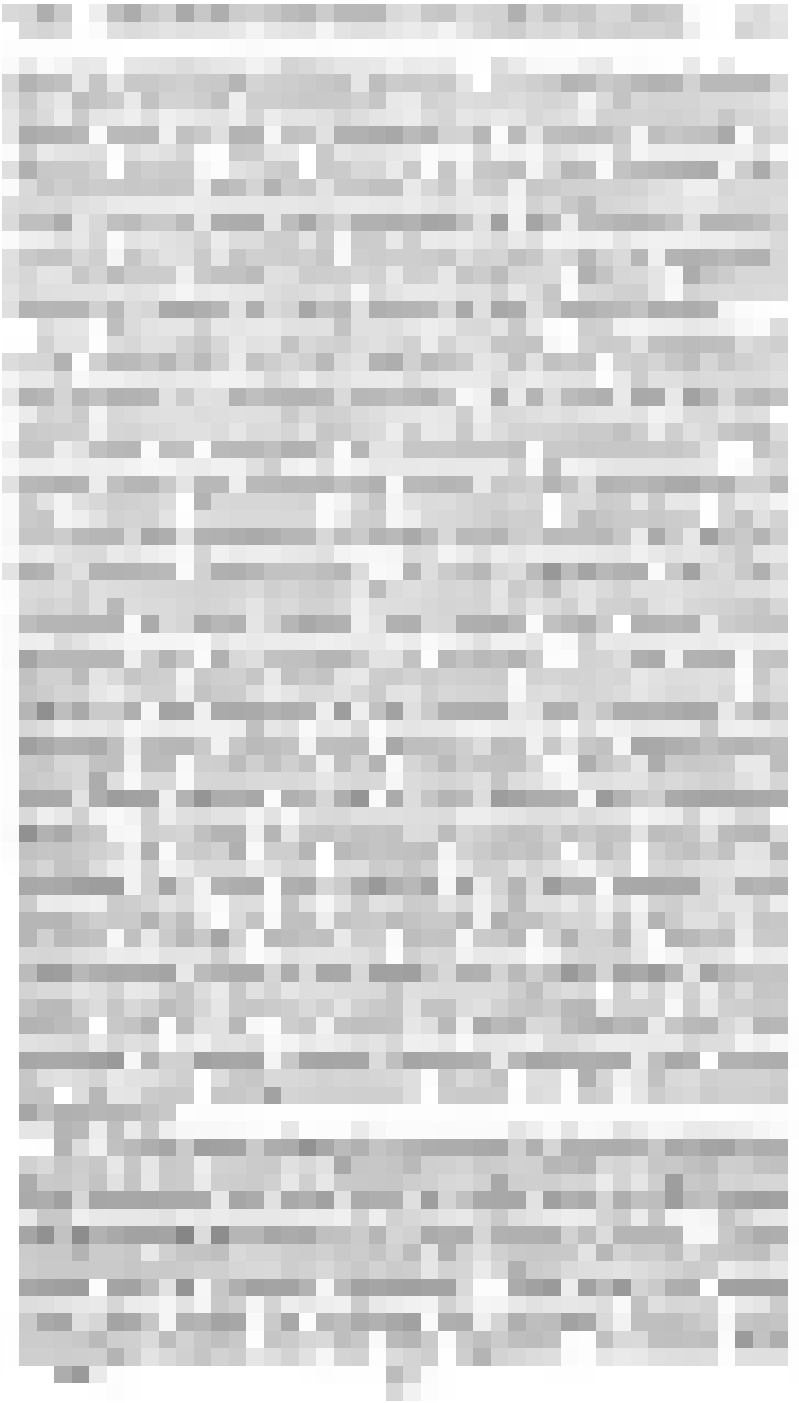

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§ 8. Further examples may be taken from the data contained in papers No. V and VI. An elective authority would probably be pledged to a rapid extension of education for which it would have to find the revenue. If the facts and arguments contained in V are correct, those revenues would have to be raised from the land, whether by increasing the cess, or else by extending the income tax to incomes derived from land. It cannot be said too often, or too strongly, that no scheme of reforms will afford a real exercise in the practice of self-government which does not vest the elected body with power to impose fresh taxation on the community which elects it. That is the essence of responsible government. Self-government implies self-taxation. Such bodies must, of course, be given a share of existing revenues commensurate to the functions imposed upon them, and also to the natural growth of those revenues. But if candidates seeking election advocate a greater expenditure than those revenues warrant, they must do so with the knowledge that they will have to impose taxes upon the electors whose votes they are seeking. If a majority of those electors vote in favour of an increase in the public services they control, they must do so with the knowledge that the increase must be met, in part at any rate, from their own local resources. The words *in part* are used advisedly, for the old government might foster the habit of self taxation, where funds are available for grants-in-aid, by dividing the grants in proportion to the new revenues which electoral authorities have raised for themselves.

§ 9. Another example is afforded by the district settlements. In 1919 these settlements will expire and come up for renewal. A provincial ministry entrusted with the control of local government would then have to grapple with the task which the present government discharged in 1914. It would have to settle how much of its own revenues could be spared for grants-in-aid to the boards, and (a far more formidable

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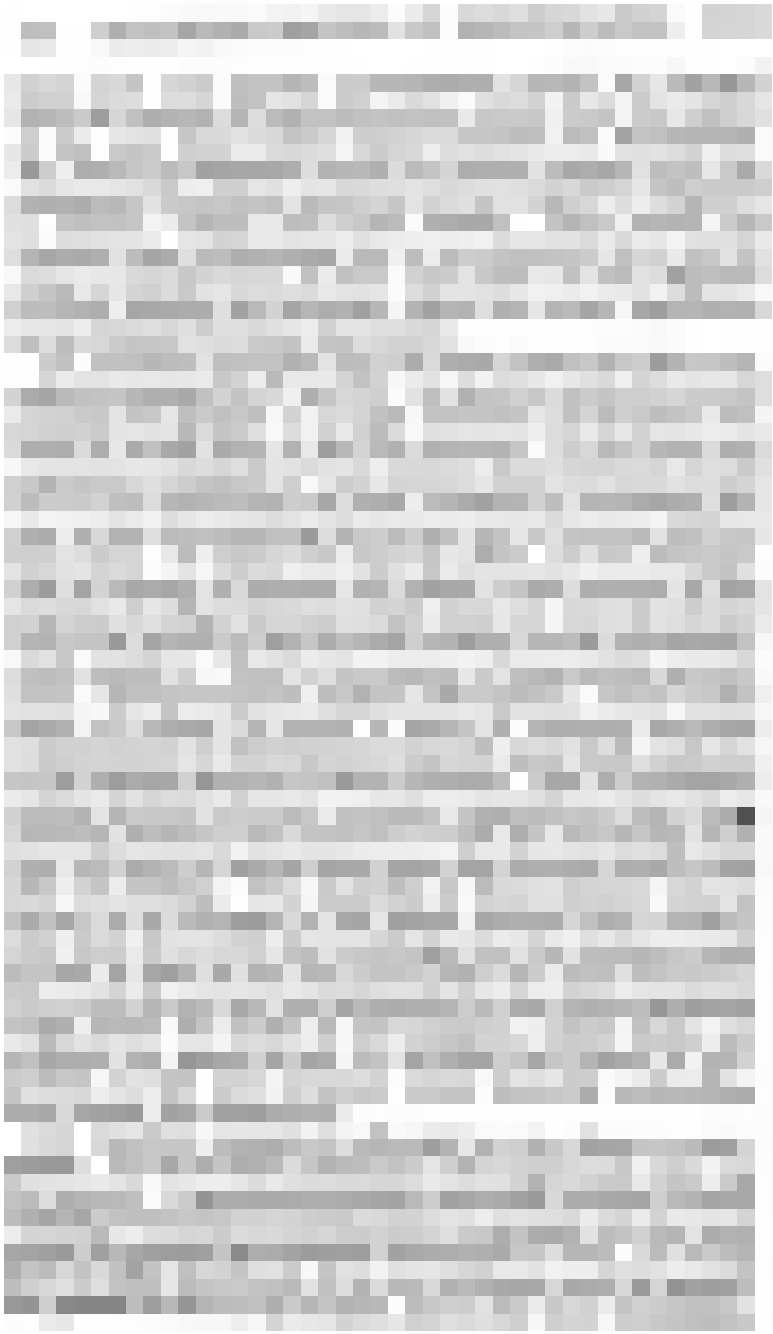

task) how that sum is to be divided amongst all the bodies in question. The scheme of division briefly outlined in the opening pages of VI, was an example of administrative skill carried to its highest point. It was a masterpiece of applied statistical science, based upon an infinity of data and patiently worked out to the last detail. It is almost too perfect for the rougher conditions of popular government, which means government by laymen. Without a long official training it would be difficult for a minister to master the technical calculations; and it is safe to add that in no popular assembly in the world would more than a handful of members be found to grasp the explanations, assuming that the minister were competent to give them. Even in the British Parliament, which is in point of education and intelligence, inferior to no other elective chamber, a minister would be most likely forced to adopt some cruder and therefore less equitable basis of division, such, for instance, as population. He would shrink from the danger of asking members to ratify a scheme which few or none of them would understand. As a piece of distributive justice, the settlement made would most likely compare unfavourably with that which was made by the science, exactitude, and industry of the I.C.S.

§ 10. Another feature of this settlement to be noticed is the position of those who made it. They were men disposed by nature and training to justice; but had they been otherwise they had no temptation to injustice. Their tenure of office was not affected by the manner in which their division of the grant was received, and by that division they had nothing remotely to gain or lose. The consent of the legislature was not even required, for the calculations were examined and finally ratified by the Lieutenant-Governor in the quiet detachment of his own study.

§ 11. A glance at countries where provincial self-government exists will reveal the totally different position of a minister holding office by virtue of a majority of legislators who are looking to their constituents for re-election. Not merely his own tenure of office, but that of his colleagues, would be affected by that issue and might even depend on it. The minister would not be called upon to satisfy the whole body of members, but rather the majority who keep him in office. The fate of a ministry often depends upon a margin of votes from certain particular districts, and the voters of those districts may convince their members that their re-election will depend upon how far they secure from

task) how that sum is to be divided amongst all the bodies in question. The scheme of division briefly outlined in the opening pages of VI, was an example of administrative skill carried to its highest point. It was a masterpiece of applied statistical science, based upon an infinity of data and patiently worked out to the last detail. It is almost too perfect for the rougher conditions of popular government, which means government by laymen. Without a long official training it would be difficult for a minister to master the technical calculations; and it is safe to add that in no popular assembly in the world would more than a handful of members be found to grasp the explanations, assuming that the minister were competent to give them. Even in the British Parliament, which is in point of education and intelligence, inferior to no other elective chamber, a minister would be most likely forced to adopt some cruder and therefore less equitable basis of division, such, for instance, as population. He would shrink from the danger of asking members to ratify a scheme which few or none of them would understand. As a piece of distributive justice, the settlement made would most likely compare unfavourably with that which was made by the science, exactitude, and industry of the I.C.S.

§ 10. Another feature of this settlement to be noticed is the position of those who made it. They were men disposed by nature and training to justice; but had they been otherwise they had no temptation to injustice. Their tenure of office was not affected by the manner in which their division of the grant was received, and by that division they had nothing remotely to gain or lose. The consent of the legislature was not even required, for the calculations were examined and finally ratified by the Lieutenant-Governor in the quiet detachment of his own study.

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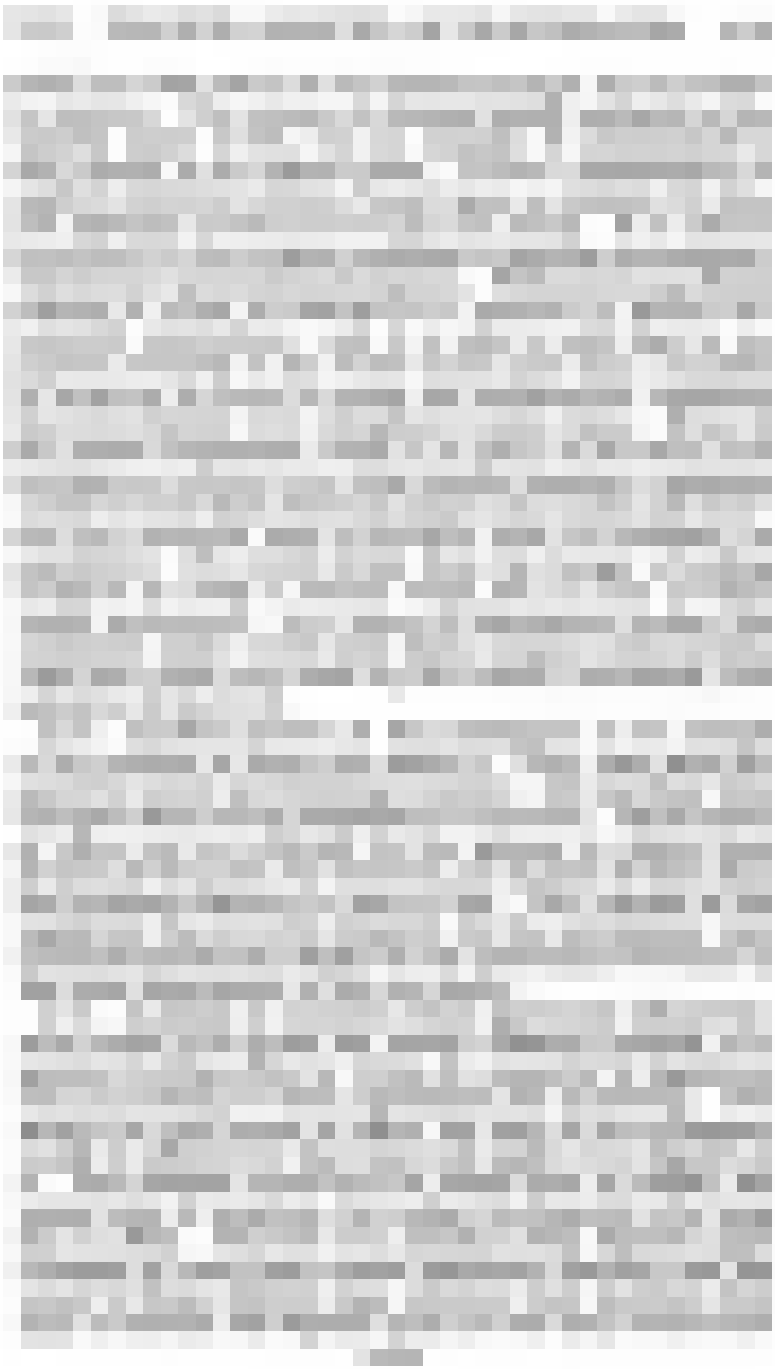

the government a generous share of the plunder. And thus begins the sordid struggle which Americans aptly call the fight for the pork-barrel. This struggle appears but little in debate. It proceeds behind the closed doors of ministers and whips, who are given to understand, by no uncertain signs, that the continued support of this or that member will depend on the share of the plunder given to his constituents. Such divisions of public money test the capacity of a people for doing justice between themselves. But it also develops that capacity by exercise, assuming that the test is not so severe as to break it down altogether. A complete and final collapse of justice leads to disorder.

§ 12. The last and most instructive case is afforded by the controversy between the protagonists of Hindi and Urdu. It is issues like these which test and exercise the faculty of self-government to the full. For mere money is capable of division, even if the division be unjust. But in life there are issues, moral, religious, and political, deep as the well-springs of human belief, such as are not capable of division. There are principles upon which those who hold them will be willing to accept an adverse ruling from a third party who stands outside the controversy, because knowing his detachment, they believe in his justice. It may well happen, however, that they would go to extremes rather than accept that same ruling at the hands of the party to which they are opposed.

§ 13. The relative positions of Hindi and Urdu in the vernacular schools, which the Lieutenant-Governor of the United Provinces had to decide in 1914, may be taken as a typical example of such issues. No pains were spared to elicit from educated Indians, whether by means of committees or discussions in the legislative councils, an expression of all their different opinions. The Lieutenant-Governor studiously exposed himself to the influence of these various views. He saturated his mind in all the reports and speeches stating the reasons upon which they were based. And then having done so he wrote: 'Mutual concessions seem impossible; *and it is "clearly the duty of the government to formulate a decision*".' And so he recorded a decision which was not exactly any of those which lay before him but one, the terms of which he had framed for himself. And because he was a foreigner, a member of neither religion, unbiased, therefore, in his interests, absolutely detached in his point of view, and universally recognized to be so, his decision was accepted almost without demur

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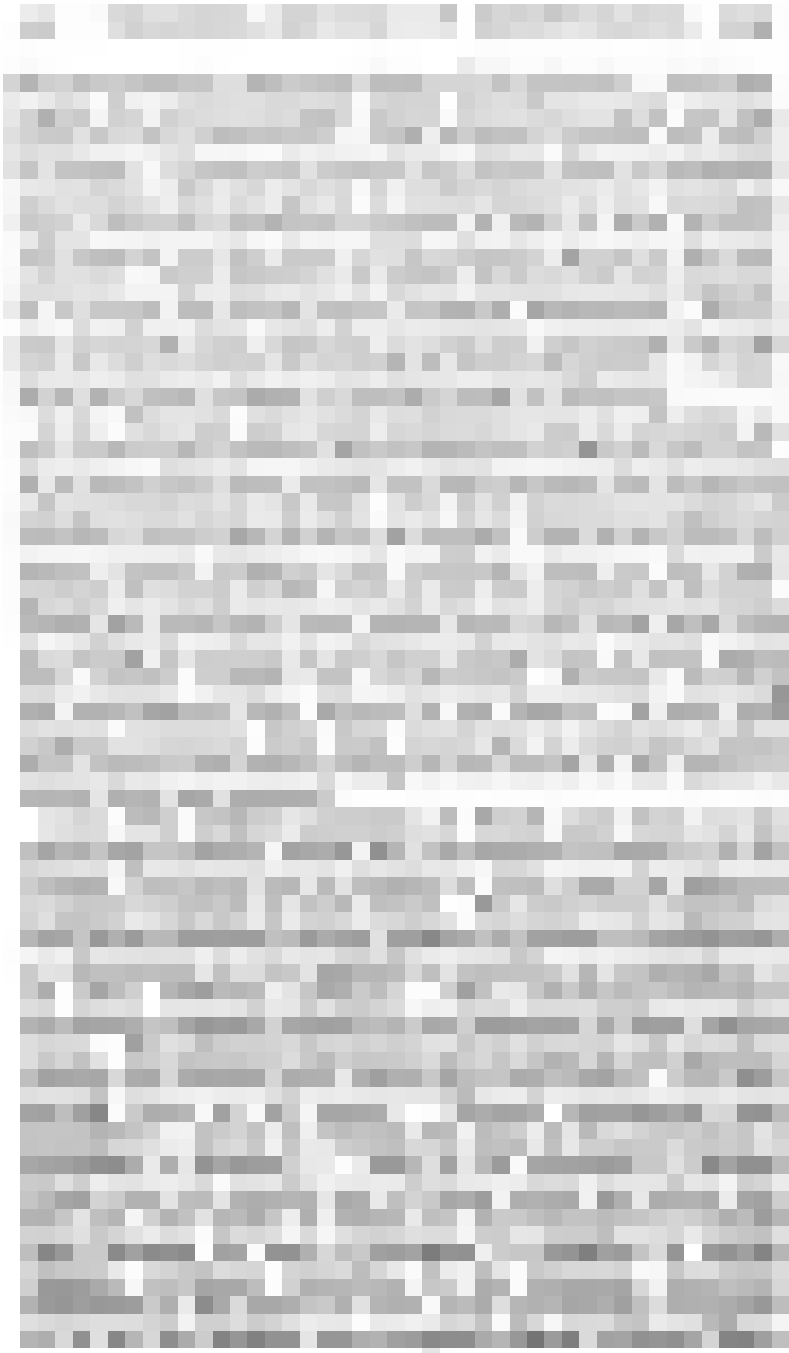

and certainly without resistance on the part of either of the religions involved. In this manner the question was decided for the time being, though in future years it is sure to be raised again in some form or other.

§ 14. There are certain features of the case which from the standpoint of this inquiry call for remark. If a question at issue can be settled by willing agreement of *all* the parties concerned, that is usually the best possible decision. But the fact that such settlements are not always possible is too often ignored. The existence of law courts backed by the sheriff, policeman, and soldier is a standing witness to the fact. And, as may be seen in the present case, there are issues beyond the jurisdiction of courts, which cannot be settled by agreement, but which cannot be left unsettled without inflicting grievous injury on third parties and on future generations. Such issues a government must sooner or later decide on lines not wholly acceptable to one party or even perhaps to either. This was what Washington meant when he said, 'Influence is not government'. The influence of rulers should be used to the full to induce an agreement between the parties at issue. But failing such agreement the time comes when government must decide, or civilization will stagnate or decay. And the decision must be accepted by a body of opinion strong enough to neutralize resistance, not necessarily because the decision is approved, but rather because the majority of thinking men are resolved to uphold the authority of government.

§ 15. The decision in question was not the one suggested by any of the parties concerned. And yet it was accepted by all those parties because it was made by a man in whose anxiety to mete out impartial justice every one believed. But it was not merely in this justice of one individual they trusted. That individual was responsible to the Governor-General, the Secretary of State, the British Parliament, and finally to public opinion in England. The first could advise his dismissal, the second could dismiss him, the third could exact it, the fourth could demand it. The acceptance of such decisions in India is not based merely on confidence in the justice of an individual officer. It is based to an even greater extent on confidence that an authority six thousand miles away will appoint officers who are just, and remove those who fail in their charge. The manner in which decisions of such issues are accepted in India, is largely due to the fact that those who make them are answerable to an authority remote from the seat of

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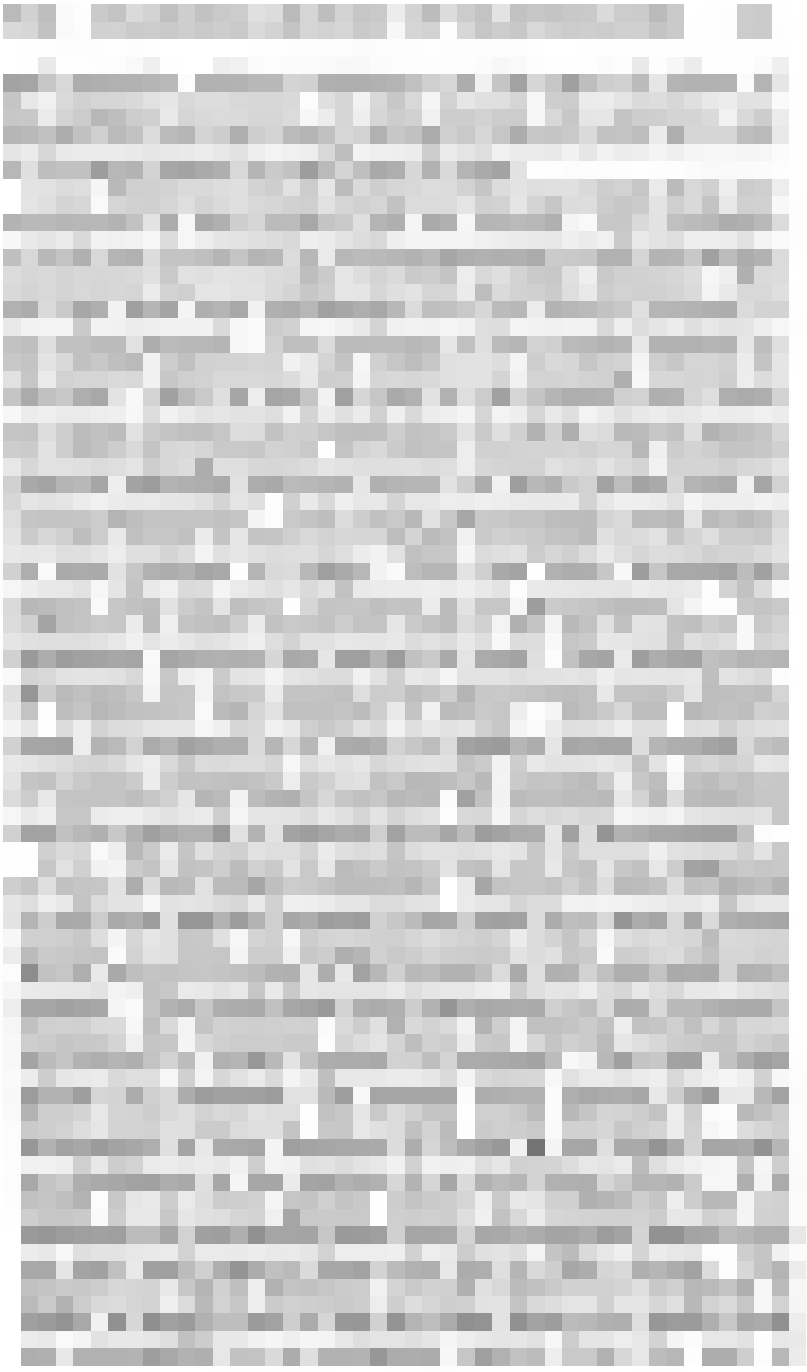
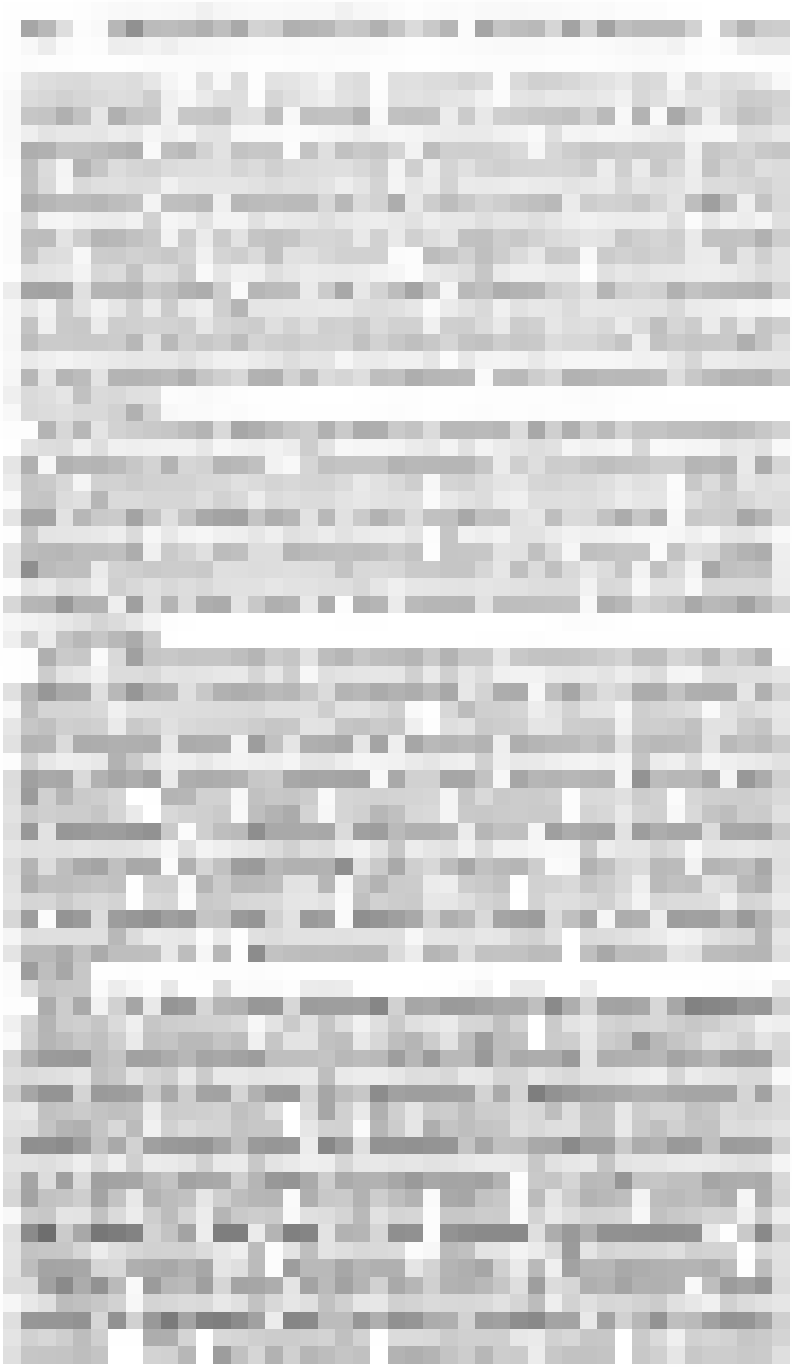


controversy. Let any one consider whether this decision could have been so made and so accepted if the same individual had been a prime minister, responsible not to the British Government, but to an electorate in the United Provinces, and dependent for the tenure of his office on the support of a majority in the legislative council, elected by a majority of the voters. Imagine the position of the same individual, with the same character and reputation in this wholly different position, and one then begins to see how much depends upon the fact that he is now responsible to an authority which is detached and impartial because it is foreign.

§ 16. It is this that is meant by saying that the government of India is in trust. The acceptance of decisions made by that government between two rival sections in India is due to the confidence in the trustees, by reason of their disinterest in and detachment from the issues at stake. Where questions are at issue between India and the British trustee, as in the case of the cotton duties, this confidence is wanting.

§ 17. The immediate administration of vernacular schools, within limits carefully prescribed, has been entrusted to district and municipal boards. Within those limits, they are charged with the task of making decisions which must often affect minor matters at issue between Hindus and Moslems. They might support maktabs at the expense of pathsalas. A religious majority on a board might abuse its position in appointing the teachers. But the crucial decisions on matters of policy, such as that dealt with in the present case, are made for them by an authority responsible to a government and public opinion outside India.

§ 18. In the Joint Address a method has been suggested whereby decisions of this class might be relegated to a ministry responsible to a provincial electorate, and removable from office by the vote of a majority of legislators elected by a majority of voters. For the purpose of this inquiry it is useful to consider how the decision in question would have to be made under these circumstances. It is fair to assume that the same pains would be taken to elicit opinion as was taken in the case of the present government. An Indian minister of education, either a Mohammedan or a Hindu, would then draft the terms of a decision, which would be discussed, and probably modified, in the cabinet council. The government supporters would be sounded



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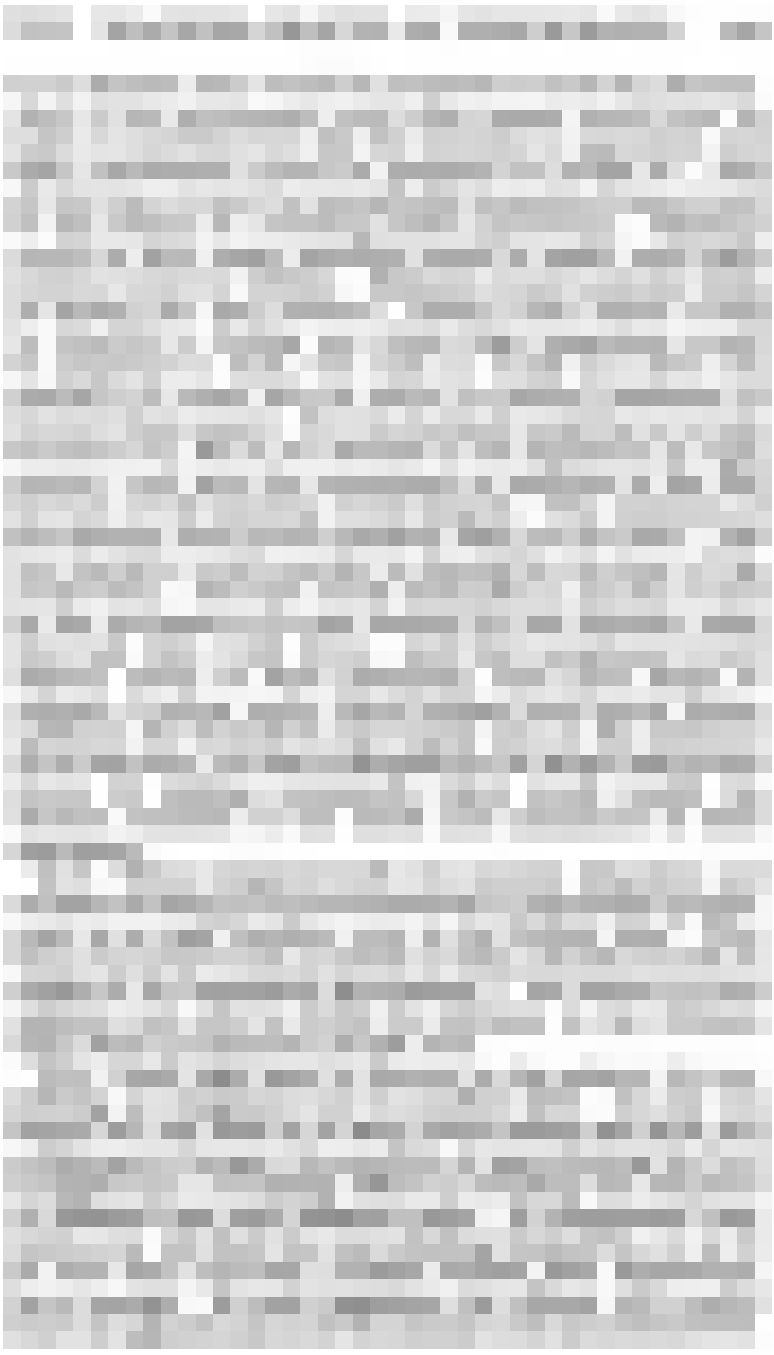
as to whether they would be prepared to back the decision. And, if the government were wise, means would also be taken to ascertain how far the minority in opposition and their constituents would be prepared to accept it. And all this time, it must be remembered the point at issue would be the subject of a burning public controversy. Meetings would be held, angry speeches would be made, and bitter articles would be written. Ministers would scarcely think of finding the best solution. Rather their efforts would be directed to finding one which their supporters would be prepared to back, but such as would not drive the minority of voters into an active or passive resistance of the law when passed. For the decision would have to take the form of a Bill to be debated by the legislature in open session; and upon the acceptance or rejection of the Bill the fate of the ministry would depend. The existence of the ministry itself would certainly hang on the issue. The best decision would scarcely be reached in the heat of the controversy. The best result attainable in practice would be the acceptance of some decision by the minority when they had been voted down. And that acceptance would depend, partly on their patriotism, upon their desire to support a system under which Indians could settle Indian questions for themselves, but largely also on the tolerance of the majority, on their willingness not to abuse their power shown by making concessions which would render the decision tolerable to the minds and consciences of their opponents.

§ 19. When compared with the smooth, detached, and accurate working of a good bureaucracy, responsible government is an ugly business, even in the British Isles. Why then, if you have such a system in India, should you seek to replace it by responsible government? An answer to that question can only be found by reference to the ultimate aims which government should seek.

§ 20. Some light may be thrown on the subject by considering an imaginary case in another field. As any one knows who has been in an army when rations are short and soldiers grow hungry, the question of apportioning the food available has a wonderful effect in revealing the character of different men and different units. In exceptional regiments you will find the men stinting themselves, so as to be sure that comrades, perhaps weaker than themselves, have enough. In such regiments the officers will readily leave the apportionment of the rations to the men themselves.



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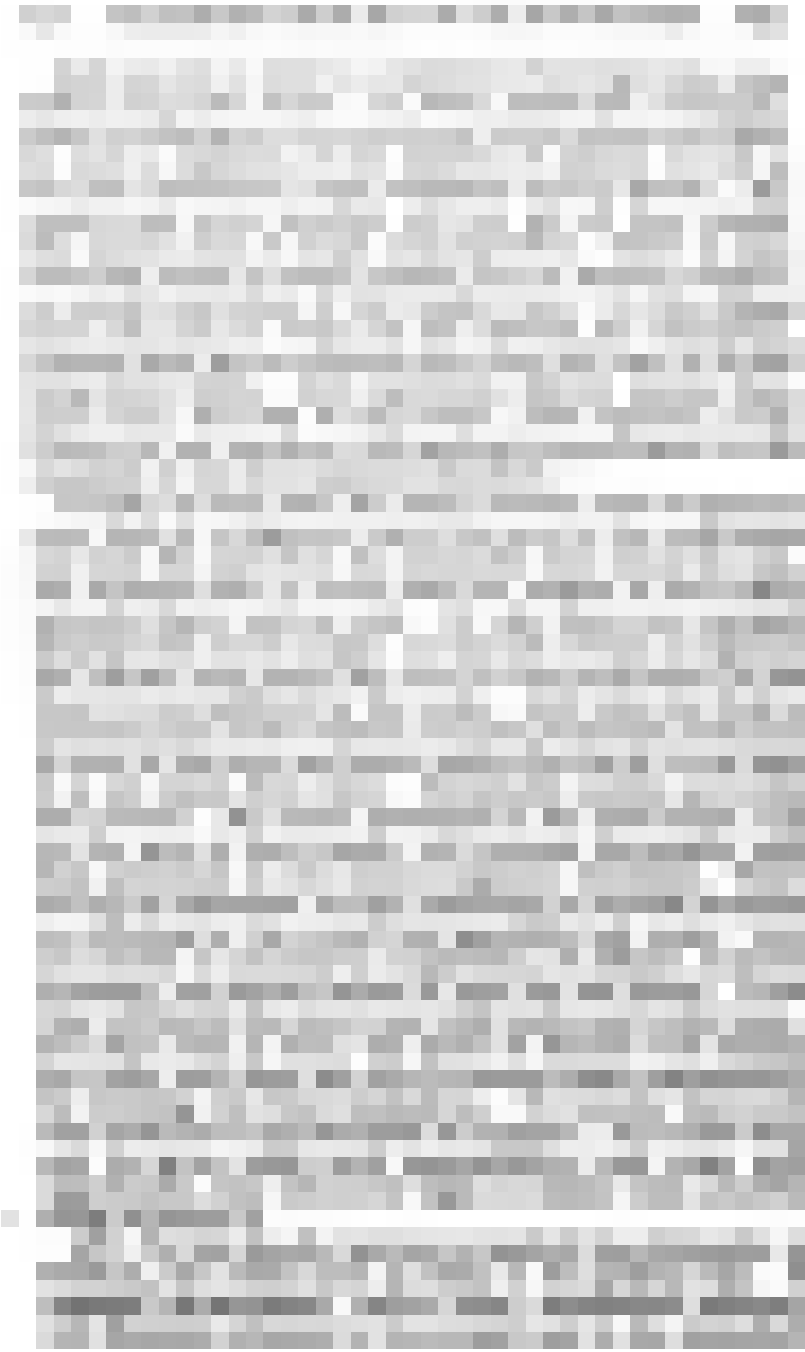
And now let us turn to a regiment of average men, some better and some worse. In many regiments, unhappily, there is pilfering in the cook-house when rations are short. In such a regiment, if the division of rations be left to the men themselves, some selfishness will be shown. The weaker and more unselfish will not get all they should. The justice done is rough and imperfect. There is some bickering which is rather squalid, but no positive violence, no actual starvation of the weaker men. So the officers leave the men to work out the division for themselves, trusting that, given sufficient time, they will learn to do the thing more fairly. And experience, indeed, teaches that, given time, this will be the result. This regiment, if the officers do not interfere, will gradually approximate to the standard of the first regiment described.

Thirdly we may take the other extreme and exceptional case, that of a regiment where the men in the cook-house eat their fill, and when the remainder does reach the rest, the stronger take so much that the weaker or less selfish actually starve and go sick. Or else there are constant disputes that end in a fight. In the case of such a regiment the officers must watch the food in the cook-house, to see that it is not pilfered by the cooks. And when the food is prepared, they must measure out the proportion justly due to each of the men, and watch while they eat it, to see that it is not taken from them. Externally, justice and order will prevail. The scene presented in the cook-house, and by the men at their meals, will contrast favourably with that presented in the second regiment described. There will be no unfairness, no ugly bickering, no squalid disputes, no pilfering by the cooks, and generally less waste. And yet results so secured by supervision of officers, however necessary, are almost barren of hope for the future. True they will enable the men to see what justice and order mean, but when that is done, the spirit of fairness will develop but little, until they are able to assume some responsibility for dividing the food themselves. To become more just they must have opportunities of injustice; and unless they can be given some such responsibility, and some such opportunity, they will never begin to realize what a hateful thing injustice is.

§ 21. In this fanciful picture is implicit the philosophy of freedom, the whole issue at stake in the present war. Is material development, visible order, mechanical efficiency and financial economy in the present and in the immediate



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§ 22. If, on the other hand, the character of the people at large, the development in common men of their innate sense of justice, and of their faculty of doing justice to each other at their own expense, is the end in view, then government will decide nothing which it can relegate to the decision of those people themselves, without permitting a breakdown of social order. The choice lies between results we can handle and see, reduce to cash values, depict in reports and tabulate in figures, and those which cannot be seen, measured or described, or ever be perceived in the span of our own lives. You can measure railways in miles, and their earnings in cash. You can enumerate the acres brought under irrigation, estimate lives saved from famine and disease, and exhibit an unprecedented growth in the population. You can dwell on the increase of schools and scholars, the improvement in tillage and in crops per acre, and the growth of industrial undertakings. There is something so definite and tangible in it all; and rulers who compile such reports have the satisfaction of knowing that they are telling of things which they themselves have helped to achieve. The effect which a system has on the character of a people can never be stated in figures, and can scarcely be perceived in the life of a single administrator. It is in the end a question between ponderable and imponderable values, between things to be seen with the eye, and those to be seen only in dreams, between seed that the sower may reap, and that which shall only whiten to harvest long after he is dust and his memory forgotten amongst men. The heaven-sent ruler is one with an ear deaf to audible praise, an eye fixed upon a goal which he shall not reach, and above all, an indomitable faith in the power for growth in the weakest of his kind.

§ 23. The issue is between immediate efficiency, a rapid, material, and calculable progress, and the slow incalculable growth of character. But in the long run there is no conflict between the policy which looks to develop the character of a people, and that which seeks to promote their efficiency. The policy which looks only to efficiency and measurable progress, ends by destroying the objects it

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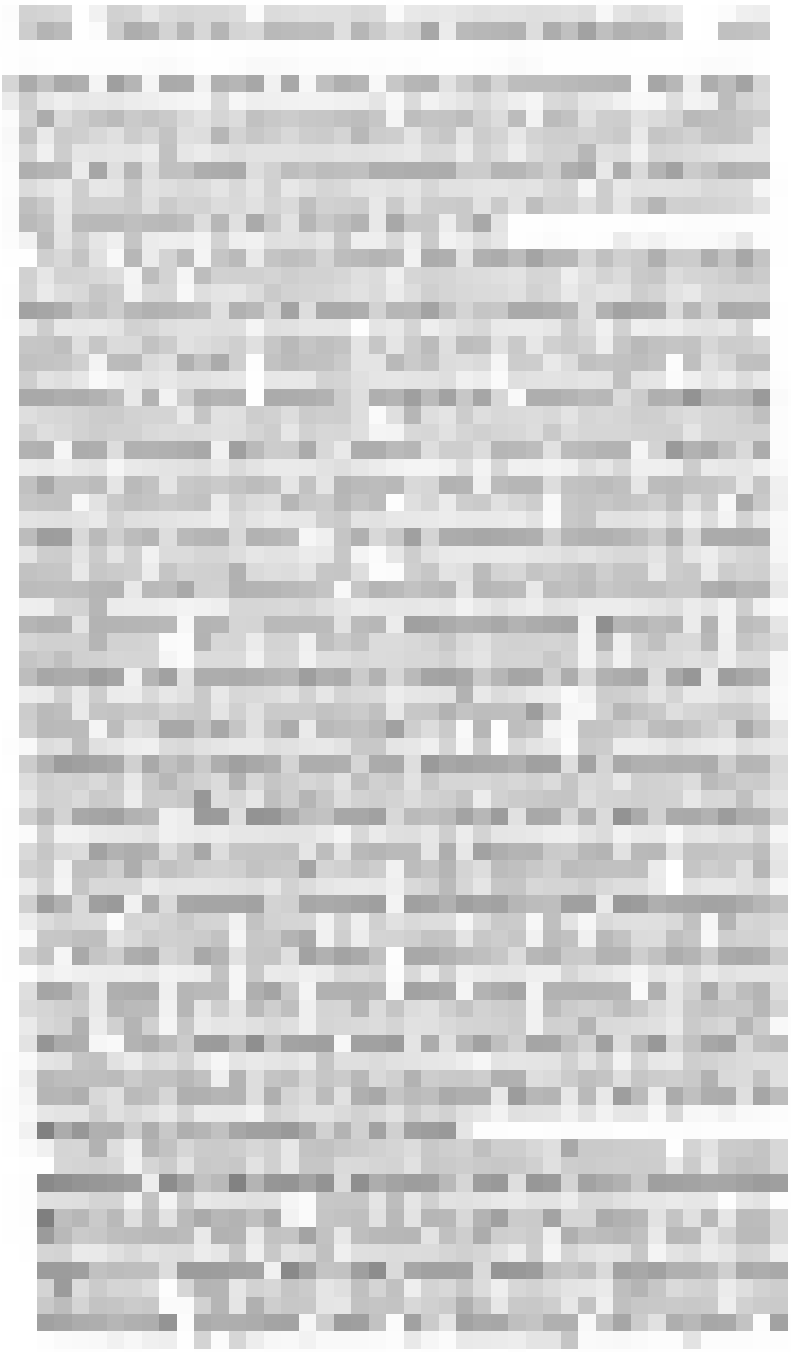

pursues. If Englishmen have established order in countries which could not create it for themselves, it is only by virtue of qualities developed through ages in which their own characters have been tempered and moulded by their own mistakes. Such justice as Englishmen have exported to India has been learned in the doing of much injustice among themselves. And if Englishmen know how to get things done, that lesson has slowly been learned by enduring the results of their own neglect. It is much to have stopped bloodshed in India, to have created order, to have enforced justice, to have given her a modern equipment, and to have set her on the path of material progress. But the character of a people will not always stand still, even in the East. If it does not get better it will surely get worse. England cannot always provide these benefits for India without fatally enfeebling the character of her people. Neither material equipment nor even the enforcement of peace and justice between man and man are ends in themselves. They are hardly means. They are rather the beginnings of means. The end is simply the character of the people, which is formed in the process of adjusting their relations to each other. The establishment of social order from without renders it vastly easier for a beginning to be made. Suddenly to impose upon strength and faculties still unexercised the whole burden of maintaining order, is to jeopardize the conditions under which responsible government can begin. But unless or until genuine responsibilities are imposed on those few who are in some sort able to assume them, neither the capacity for making decisions will develop, nor yet the numbers of those who show promise of developing such capacity. All minor ends must be subordinated to that of fostering this native capacity, which, as it grows, will in ages to come yield a harvest of native efficiency and capacity for justice. Without travail there is no birth, and the glories of motherhood are hard to discern in the throes of delivery. 'Seek ye first the Kingdom of God and all things else shall be added unto you' is a saying as true in politics as in any other department of life. One final truth issues from the commonplace details set down in these pages. If effect on the growth of character is to be taken as the criterion of policy, it is not enough for government to consult the people. The burden of making decisions must be imposed upon those in some sort able to decide.

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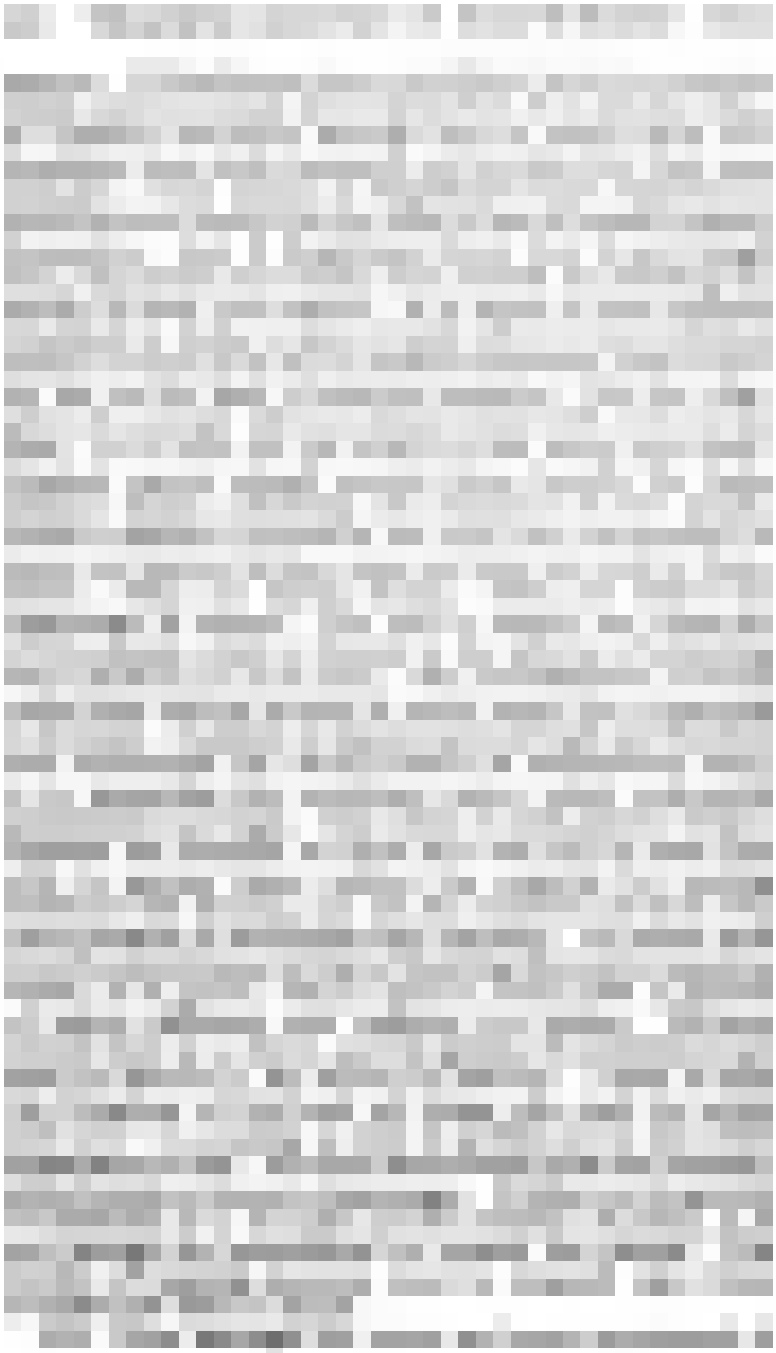

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§ 24. Even amongst the wisest and most experienced of

those who have dedicated their lives to India there is much shadowy thinking on this subject. Some months ago publicity was given to the following remarks which I had made in a private letter :

'The policy of the British Government is to develop (nationalist) opinion and to allow it to influence policy more and more. The responsibility of final decision it still reserves to itself. But it now looks to a time, however remote, when it will be able to transfer that responsibility to a section of Indians sufficiently large, disinterested, and capable of sound political judgement to assume it.'

These words seem to have occasioned no little alarm in the mind of so old and sincere a friend of Indian aspirations as Sir Courtenay Ilbert. In the Imperial supplement to *The Manchester Guardian*, issued on March 20, 1917, he wrote the following comments thereon :

> What does the writer exactly mean when he says that self-government is the aim to which British policy in India must be directed ? . . . It is a pity that he did not make his meaning more clear, because his words may be quoted against him, and because self-government in the colonial sense would be a false ideal to pursue. India cannot copy patterns supplied by Canada, Australia, and South Africa. India must be developed on Indian lines, upon lines appropriate to Indian conditions, lines very different from those on which the great democracies in the self-governing dominions are running their course. In marking out those lines regard must always be had to Indian political opinion, which, as Mr. Curtis justly observes, is a reality, and an important reality, difficult though it may be to ascertain, and unsatisfactory as may be some of its features. It is a curious and puzzling blend, produced by the interfusions and interaction of Western and Eastern thought, abounding in paradoxes and contradictions.

§ 25. This veteran exponent of liberalism cannot bring himself to regard *self-government in the colonial sense* as other than a false ideal for India to pursue. In the kindness of his heart he seeks to acquit me of a meaning so dangerous and absurd. Yet that is the only meaning my words will bear, and I must avail myself of this opportunity to repeat that that was the only meaning they were meant to convey.

§ 26. No sane man wants India to copy *word for word* patterns supplied by Canada, Australia, and South Africa. Not so did Australia copy the Canadian constitution, nor South Africa those of Canada and Australia. They each examined their own conditions, and framed an instrument more or less suited thereto. They worked as engineers must

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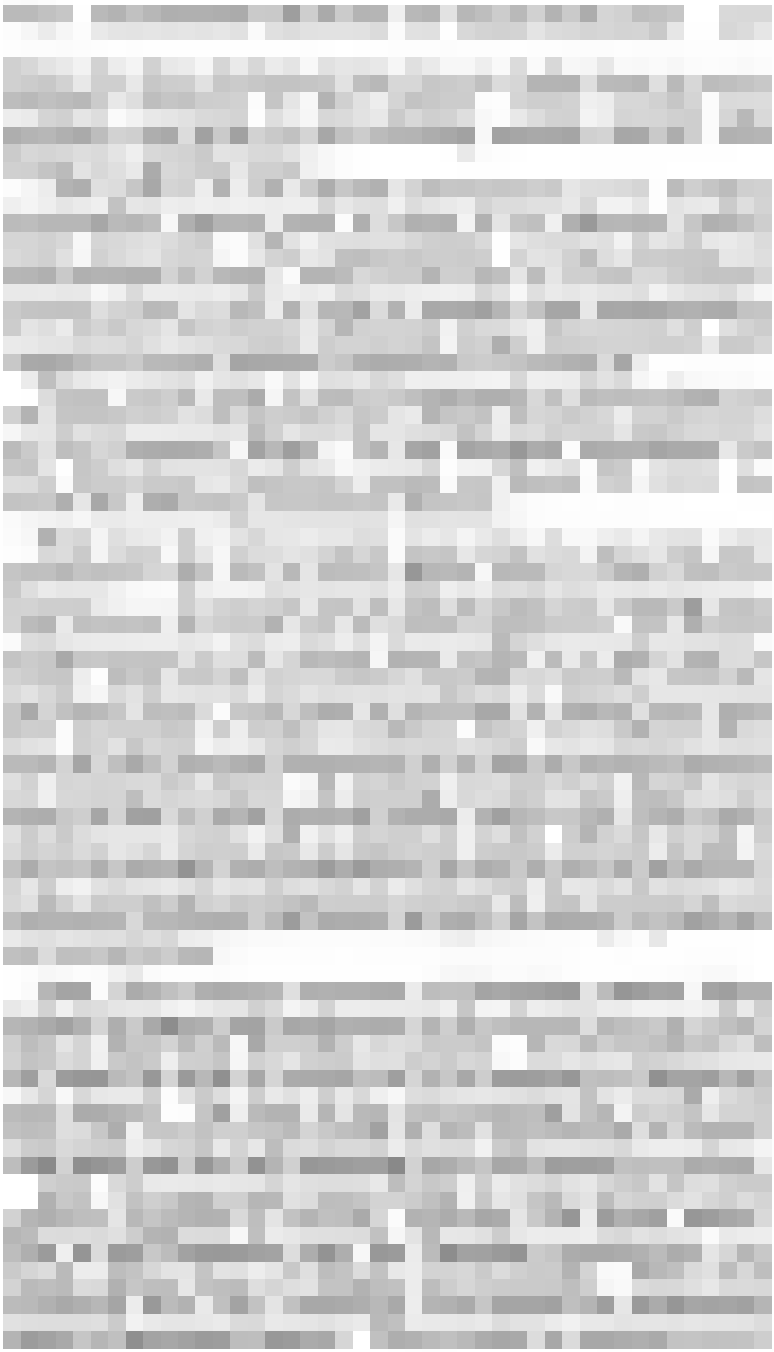

severally work, whether they are designing an internal combustion engine to drive a motor-car, aeroplane, ship, or pump. But all were applying one principle, that first reduced to practical form in the British constitution, the principle which seeks to impose responsibility for political decisions on all the members of the community affected by those decisions who are in some sort capable of making them. They are all, in short, expressions of the principle of responsible government. I must say once for all, without any kind of qualification, that the application of that principle as rapidly as possible is for me the only intelligible goal of British policy in India. Together with the question of self-preservation, of foreign policy and defence, it is the greatest of the problems which this Commonwealth has to face. It is the *articulus stantis aut cadentis reipublicae*—the cardinal principle by which this Commonwealth will stand or fall.

§ 27. What is the other ideal which Sir Courtenay Ilbert, Lord Morley, and the large number of public men who use language like this, have in mind? So far as I can discern, it is accurately stated in the words he has quoted from my own letter:

> Broadly speaking, Government is at pains to recognize such opinion as there is. It accepts it where it can, often when it thinks that Nationalist opinion is not the best, ignoring it only where it appears so unsound that to accept and act upon it would lead to disaster. The policy of the British Government is to develop that opinion and to allow it to influence policy more and more. The responsibility of final decision it still reserves to itself.

§ 28. Here, it may be observed, is an exact description of the policy actually applied in 1914 to the settlement of the issues between the Hindi and Urdu vernaculars. No pains were spared to elicit Indian views on the subject from those capable of formulating and expressing them. Every phase of Indian opinion was before the Lieutenant-Governor. His mind was steeped in them. Had he been thinking of absolute efficiency in education, regardless of the prejudice in favour of either language, he might, perhaps, have decided in favour of one of them. He recognized the existence and reality of the feeling in favour of their own dialect entertained by each of the two religions. And having done so he made his decision, in discharge of the trust imposed upon him for the interests of his province by the Imperial Government in England.

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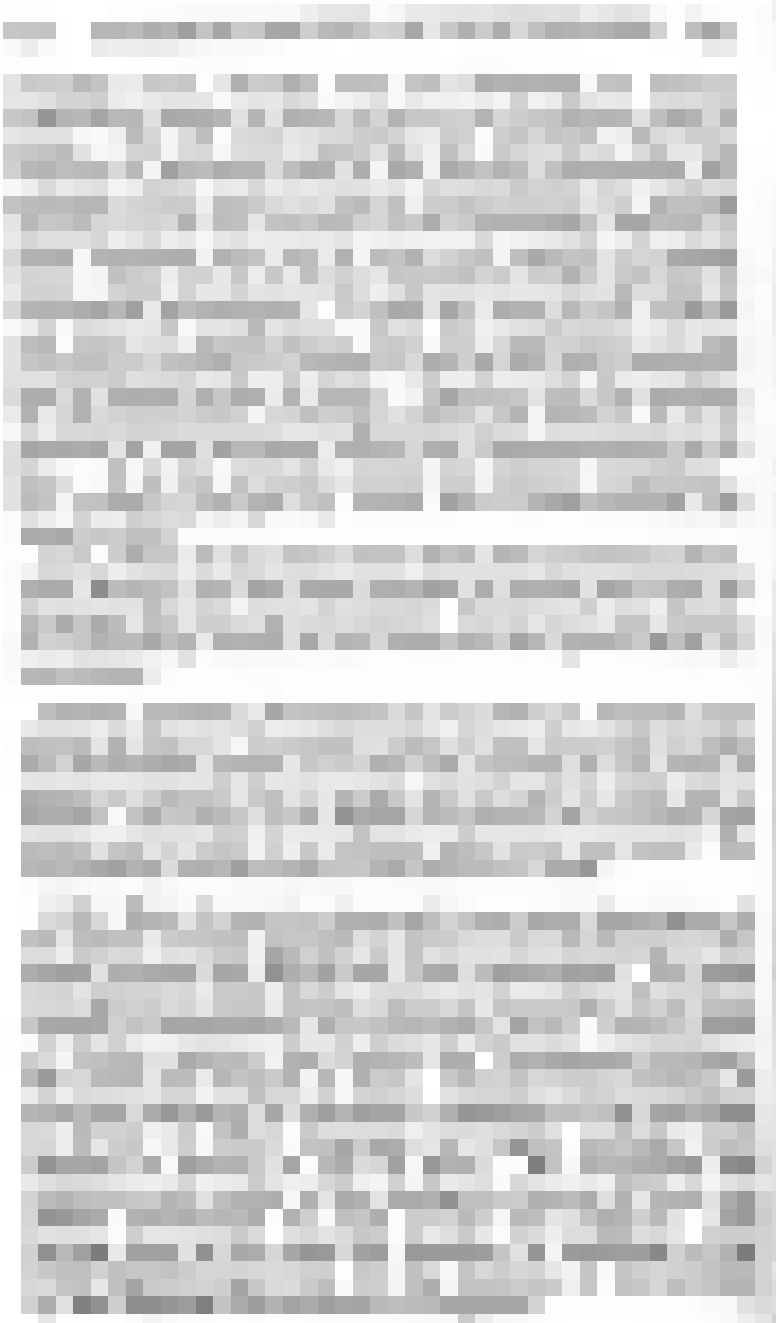
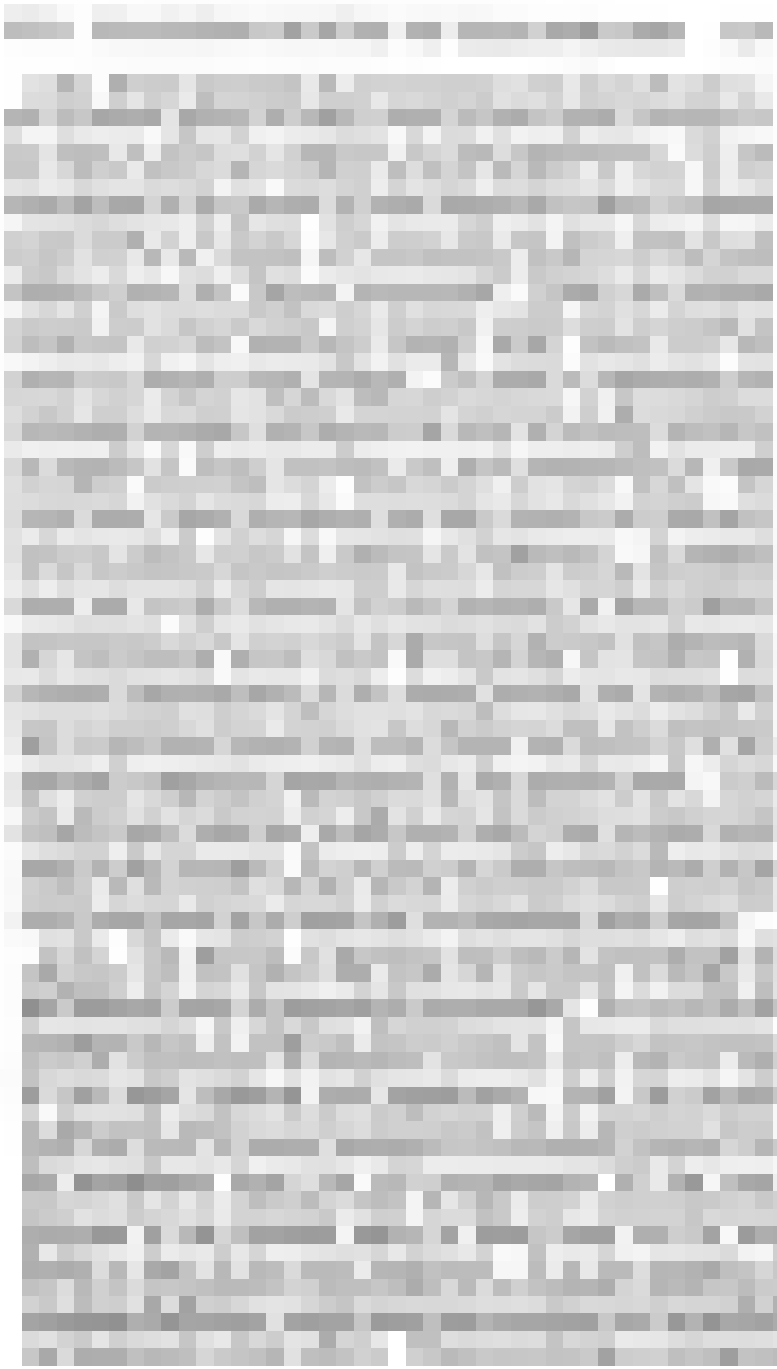


§ 29. If this principle of government is the end-all and be-all of British policy in India, there is little which remains to be done in order to complete its final application. If, on the other hand, the burden of final decision is ever to be transferred to the people of India themselves there is almost everything to be done. But you will not have done it, or begun to do it, merely by substituting Indian for English officials from the Viceroy downwards. Under the present system the responsibility for decision would still be made in obedience to the authority outside India, which has the power to dismiss those officials. To make a beginning you must take certain clearly-defined functions of government, including taxation, and impose the duty of making decisions in respect of those functions on men responsible to, and therefore removable by, electorates all over India. To begin with, these electorates can only include the minority, however small, which is capable of judgement. In respect of the functions imposed upon them, those small electorates must act as the trustees of the majority of their fellow-countrymen, who are as yet incapable of political judgement. No educational means must be neglected to awaken the political consciousness of the classes outside the electorate, and to include them within it as rapidly as they are qualified. But of all those means the most potent will prove to be the spiritual commotion engendered by the system itself. It is the spirit of freedom, moving in the darkness of chaos, that creates light, calls new worlds into being, and peoples them with life and thought. It is as the four winds which blew in the valley of dry bones, till the breath came into them, and they lived, and stood up on their feet, an exceeding great army.

§ 30. The growth of genuine electorates embracing all religions and all castes will mark the progress of India up the difficult path of responsible government. So too will the disappearance of religious distinctions in those electorates, and the appearance of members of every caste side by side in the same cabinets and legislatures. And the growth in size and quality of the electorates will in practice determine the pace at which functions of increasing gravity can be transferred from the old governments to the new. Above all, it is essential that in this vast community the progress of the forward parts of India must not be tied down to that of the more backward. It is the example of the more progressive communities in successfully discharging weightier functions, which more than anything will stimulate the backward to fresh efforts. There is nothing so contagious



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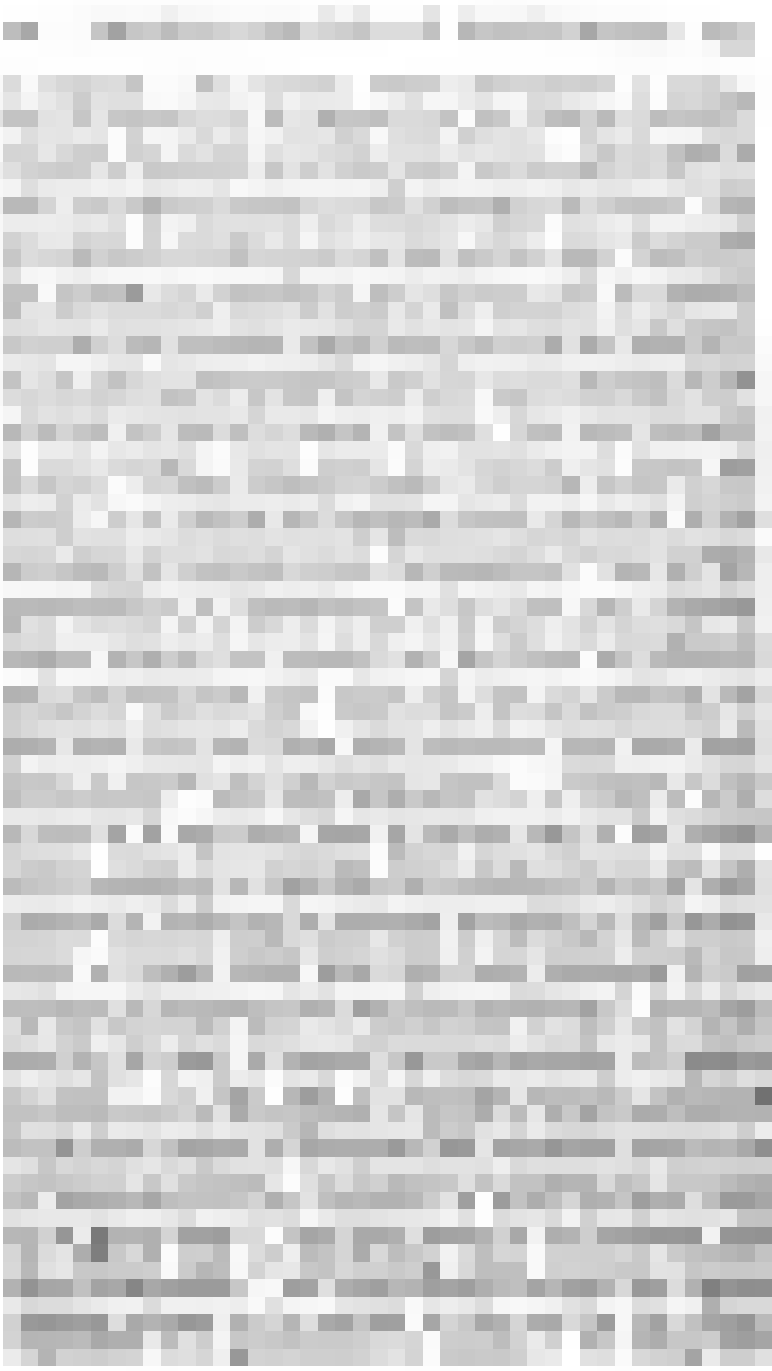

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§ 31. Freedom, which in its political aspect is responsible government, is a human and not a Western ideal. True it was first conceived and applied in the West. But the truths of religion were first conceived and applied in the East. It was there men learned to worship their common Father at Jerusalem, Mecca, and where the Ganges flows. 'But the hour cometh, and now is, when the true worshippers shall worship the Father in spirit and in truth: for the Father seeketh such to worship him.' The whole earth is the temple of freedom, and the heavens themselves the dome that covers it.[1] Its spirit moves wherever men are learning to do justice to each other, even at the cost of injustice done. A noise and a shaking there will be, as the bones draw together, but a breath is coming from the four winds. The principle that men are responsible to each other is at work, and wherever it works it will grow with exercise. That principle, and no other, applied in detail to the facts of their own lives, has produced the constitutions of free nations. It has raised great armies willing to die, that in their dust that principle may live. And it is upon that principle, and no other, that a constitution which will bring freedom to India must be framed. The text of that constitution will be that neither of Canada, Australia, or South Africa. It will 'be developed on Indian lines, upon lines appropriate to Indian conditions'. But that will only be when it is developed by trial of Indian conditions, by the increasing application of one human, unalterable principle of society to Indian facts, by readiness to recognize, not the failure of a principle which cannot fail, but only of the mechanism by which we seek to apply it. And the pace of progress will be in direct proportion to the extent to which the machinery enables us to distinguish failure from success. If there are to be electorates in India, and

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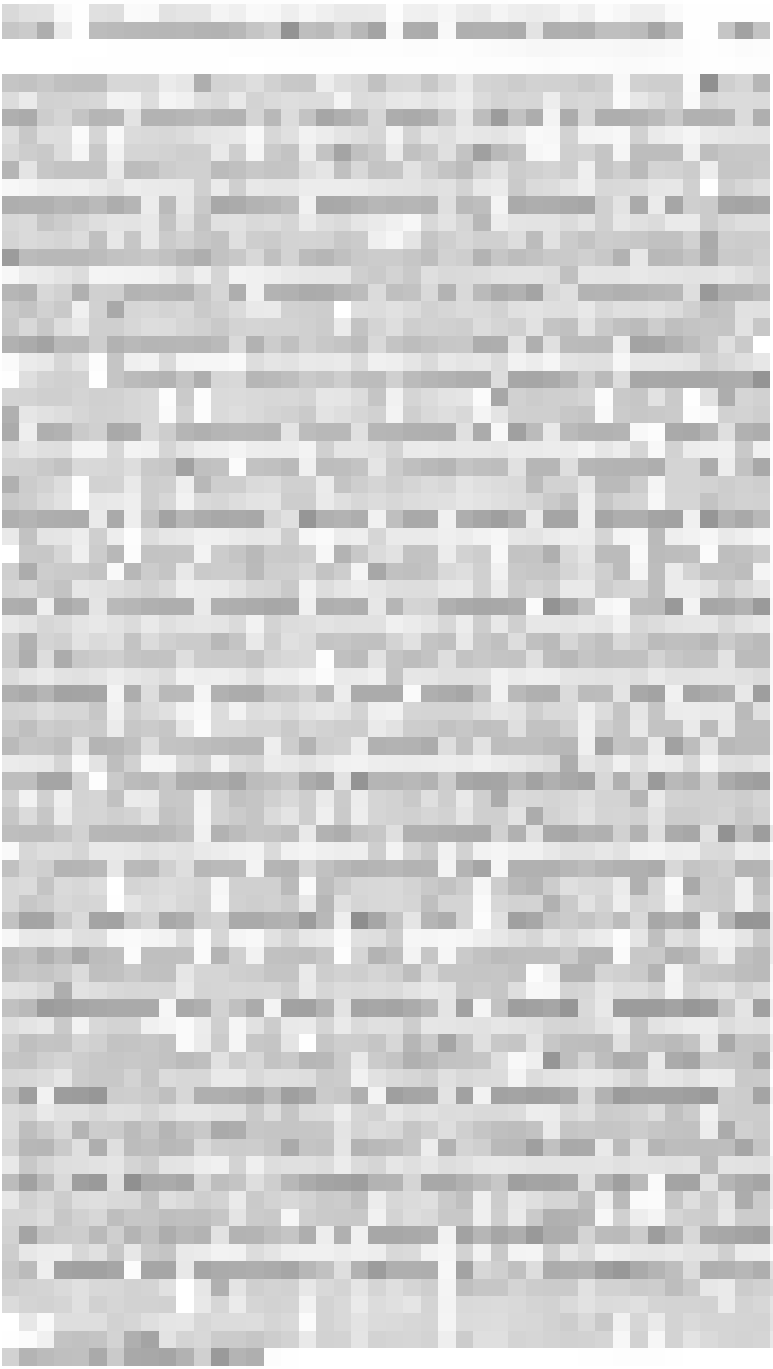

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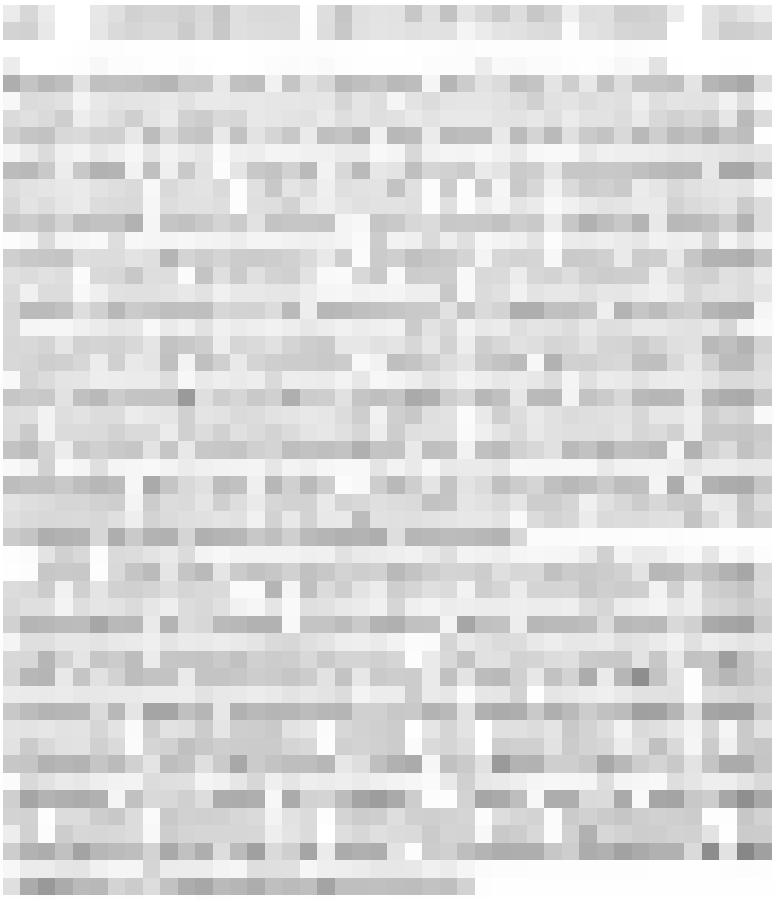
§ 32. But the converse proposition is equally important, and no less true. If there are to be executives in India responsible to Indian electorates, they must know clearly what those responsibilities are. And they must be responsible to those electorates so long as they hold office. They cannot be partly responsible to any authority outside India. And the responsibility which one executive has to its legislature and electorate, must be shared alike by every member of it until he resigns. There can be and must be public divisions in electorates and legislatures. In executives there can be none. A divided executive is the negation of responsible government.

LETTER XI

EXTREMISTS AND HOW THEY MEET

§ 1. The proposals suggested in the Joint Address are exposed to a fire of criticism from two extremes. Some of the Nationalists have awaked to the fact that the Congress-League scheme contains no element of responsible government. They begin to realize that the hope of India lies in achieving responsible government, and they are anxious that the provincial executives should be made responsible to electorates for all their functions at one stroke. They are, therefore, concerned to prove that two governments cannot exist side by side in the provinces, the one responsible



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§ 32. But the converse proposition is equally important, and no less true. If there are to be executives in India responsible to Indian electorates, they must know clearly what those responsibilities are. And they must be responsible to those electorates so long as they hold office. They cannot be partly responsible to any authority outside India. And the responsibility which one executive has to its legislature and electorate, must be shared alike by every member of it until he resigns. There can be and must be public divisions in electorates and legislatures. In executives there can be none. A divided executive is the negation of responsible government.

LETTER XI

EXTREMISTS AND HOW THEY MEET

§ 1. The proposals suggested in the Joint Address are exposed to a fire of criticism from two extremes. Some of the Nationalists have awaked to the fact that the Congress-League scheme contains no element of responsible government. They begin to realize that the hope of India lies in achieving responsible government, and they are anxious that the provincial executives should be made responsible to electorates for all their functions at one stroke. They are, therefore, concerned to prove that two governments cannot exist side by side in the provinces, the one responsible

to electorates for some functions, the other to the Secretary of State for all the rest. Their attitude on this question is reinforced by a desire to obtain the control of police at once.

§ 2. The more cautious section of Europeans, on the other hand, are anxious to see the promised reforms confined to the sphere of local government. They also are concerned to demonstrate that a specific devolution of some provincial functions to governments responsible to electorates, while others are reserved to the governments responsible to the Secretary of State, is impossible.

§ 3. Probably they believe that when local authorities have been made responsible to electorates, there are two stages which still remain, and that then provincial executives can be made responsible long before a similar change need be made in the sphere of the Government of India. This view, however obvious it may seem, will not, I believe, bear analysis. Why are functions of government in India, and in other countries of a like magnitude, divided between the central government and those of provinces? The answer is twofold. In the case of functions like education, variety of treatment is required to suit the local conditions of different areas. But there is a second and no less important reason. The maintenance of law and order is the basic function of government. It is for the performance of that duty, first and foremost, that the Governor-General-in-Council is responsible to Parliament through the Secretary of State. But the organization required for the purpose is so vast that it cannot be managed in all its details from one centre like Delhi or Simla. It must, for administrative reasons, be devolved on provincial governments, which are in fact nothing more nor less than local departments of the Government of India. That Government can remain responsible to Parliament only so long as the provincial governments remain responsible to itself for the *final* control of police.

§ 4. I lay particular stress on the word *final*, because I am not assuming that the police need always remain as one closely organized department from the inspector-general to the village chaukidar. I see no reason why the management of the village constables should not be relegated to the new elective authorities from the outset. Then there are the great bulk of the police, who correspond to those which an English county council controls. It is possible that these could be transferred to the control of the State

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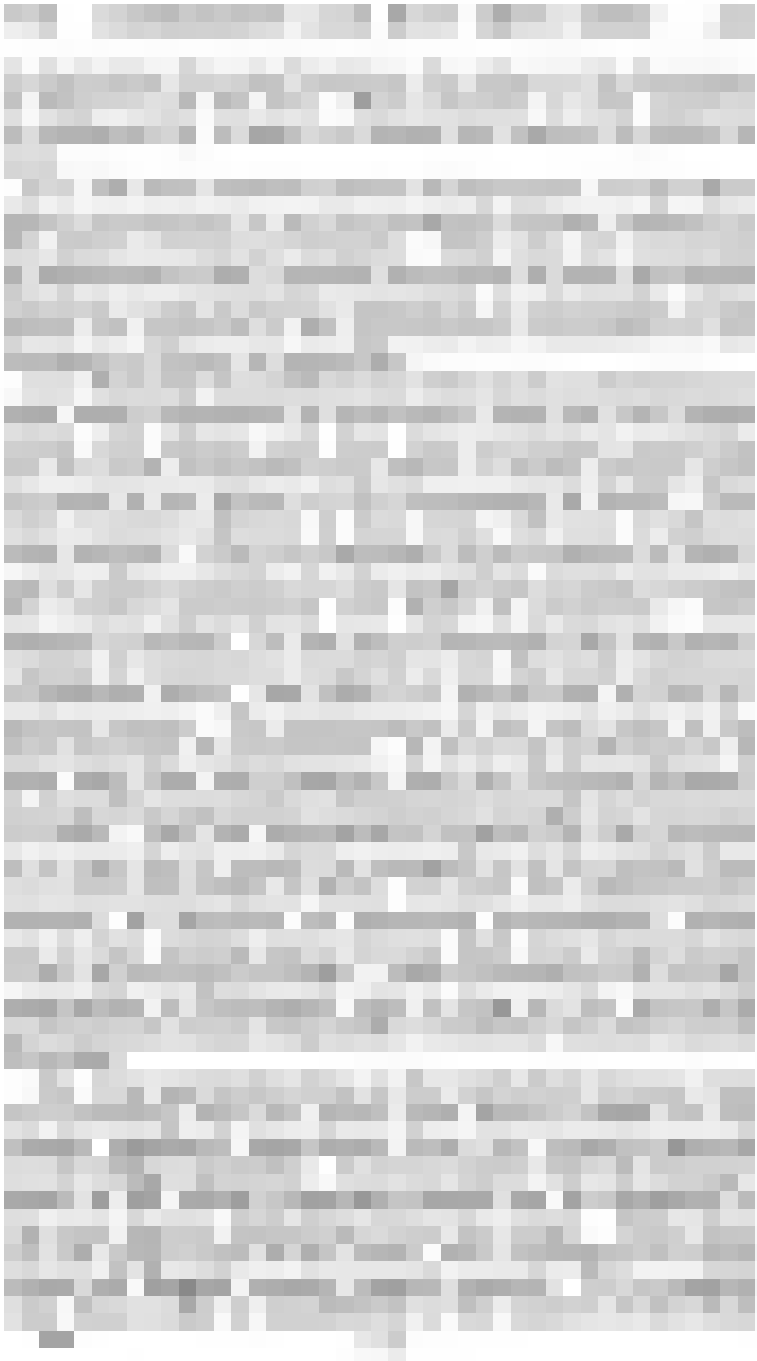
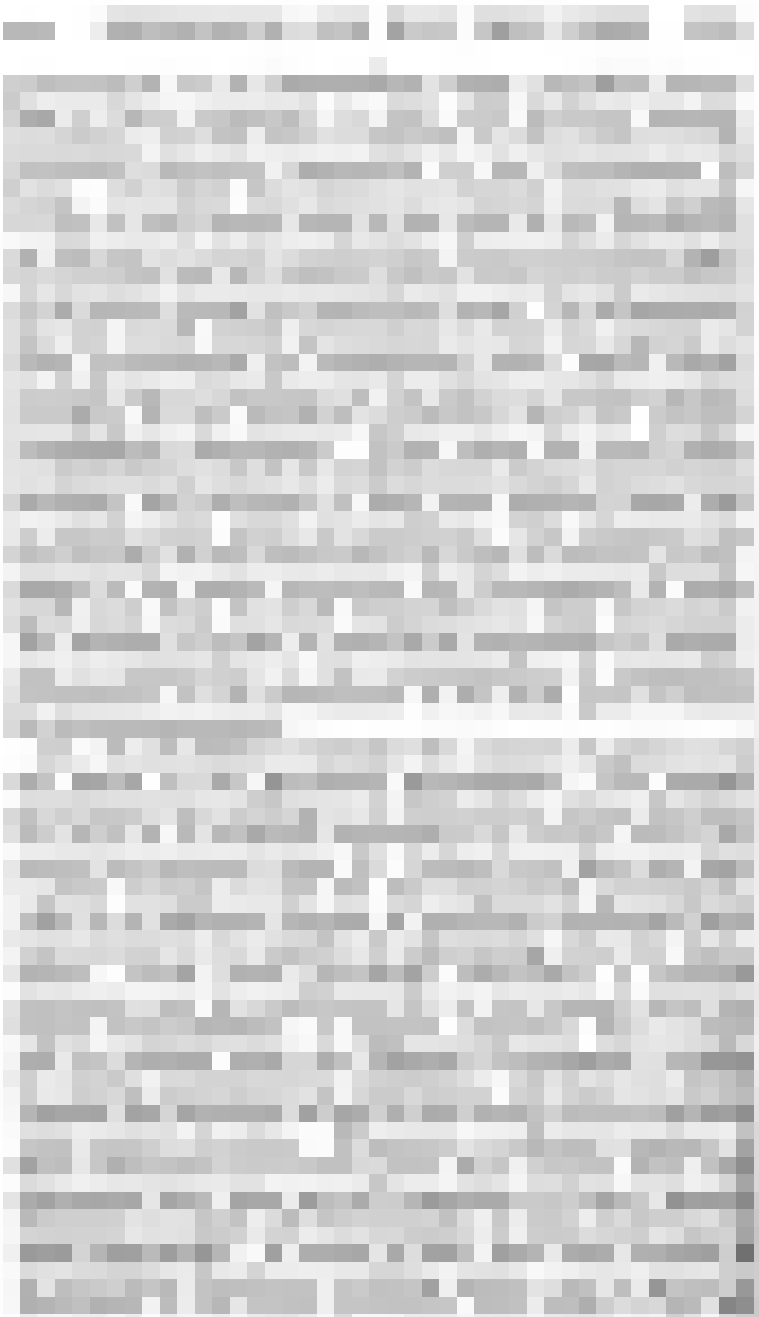


governments at an intermediary stage, provided always that a force competent to deal with political dacoity, anarchism, and the like is reserved to the control of the provincial executive responsible to the Government of India. Provided that forces are retained strong enough to step in and restore order in the case of any breakdown on the part of elective authorities, those authorities might be entrusted with the ordinary police work and large sections of the police during the transitional stage. An arrangement like this would enable government to test the capacity of State governments for maintaining order, before taking the final step of handing over the reserve or military police, including all the functions connected with the criminal investigation department. When using the word police in these letters, I must be understood to mean reserve forces necessary and adequate to deal with political crime and to restore order under all conditions. But whenever the final transfer of this reserve force is made to elective governments in the major provinces, the Government of India itself must then be made responsible to their electorates. The transfer of police to executives responsible to electorates is tantamount to the consummation of responsible government, to the attainment of the final goal set forth in the pronouncement.

§ 5. In all federal countries the control of police is in the hands of the provincial governments. The central government has nothing to do with police, unless disorders are such as to demand suppression by troops, when the central government steps in. Indeed you may say that a great country is ripe for full responsible government, when in a sufficient number of provinces electorates have been proved to be capable of maintaining order for themselves. From these provincial electorates a national electorate can be constituted fit to be trusted with the fullest responsibilities. I suggest, therefore, that a stage will be reached when the Imperial Government, judging by results ascertained by experience, will have to decide whether the electorate of this or that State can be entrusted with control of police. Whenever a sufficient number of State electorates have been given that control, then such electorates have been proved competent to form a general electorate to which the Government of India itself can be made responsible. It comes to this, that when control of all provincial functions, including police, can be given to electorates in the major provinces, then India is ripe for



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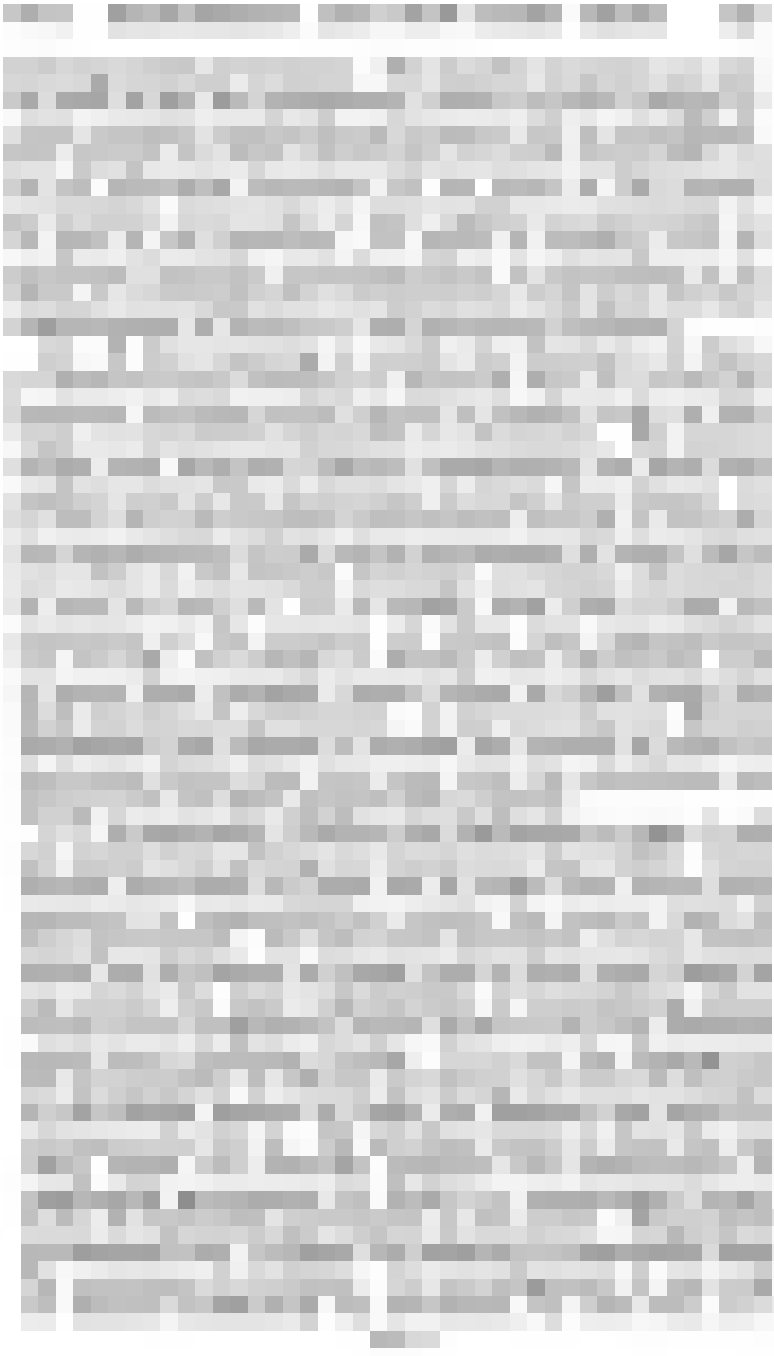
full responsible government. The transfer of police can only be made as the last preliminary, before the final change by which complete responsible government will be established. The changes by which electorates are made responsible (*a*) for all provincial functions, (*b*) for those of the central government, must come so near together as practically to be part of one operation. To speak of handing over all provincial functions, including police, to electorates is, in effect, to contemplate the consummation of the goal, the final establishment of India as a self-governing Dominion.

§ 6. If this reasoning is sound, the Secretary of State is debarred from listening to demands that all provincial functions including police should be handed over, at this stage, to executives responsible to electorates. He cannot accept such proposals without transgressing the plain and explicit terms of the instructions by which he is bound. It is clear that the Imperial Government intends to transfer the responsibility for the whole government of India, which now rests on the British electorate, to Indian electorates as soon as may be. It is equally clear that it sees no electorates at the moment on whom that responsibility can be laid. It intends to develop such electorates, and to prove their strength, before laying on their backs the final function of government. I am sure that no British Parliament will consent to transfer the control of police to electorates before they have seen what the electorates are going to be and have gauged their capacity.

§ 7. As personally I believe that Parliament is right, I will not shrink from giving my reasons for that belief. Such limited electorates as there are in India have never been exercised in responsibilities outside the narrow field of local government. To take those electorates, or any others which can be framed on paper, and to place upon them at one stroke the basic responsibility of maintaining order, would, in my judgement, expose India to the very disasters which have overtaken Russia. It is not the damage to life and property of which I am afraid, nor even the danger to the British position in India, for England was never so strong as she now is. My principal reason is that the one thing which can seriously postpone the achievement of responsible government by India is a catastrophic breakdown of responsible government at the outset. Responsible government can, I believe, be achieved in measurable time by a process of evolution. In my judgement it can only be delayed indefinitely by revolution, by civil war, or a



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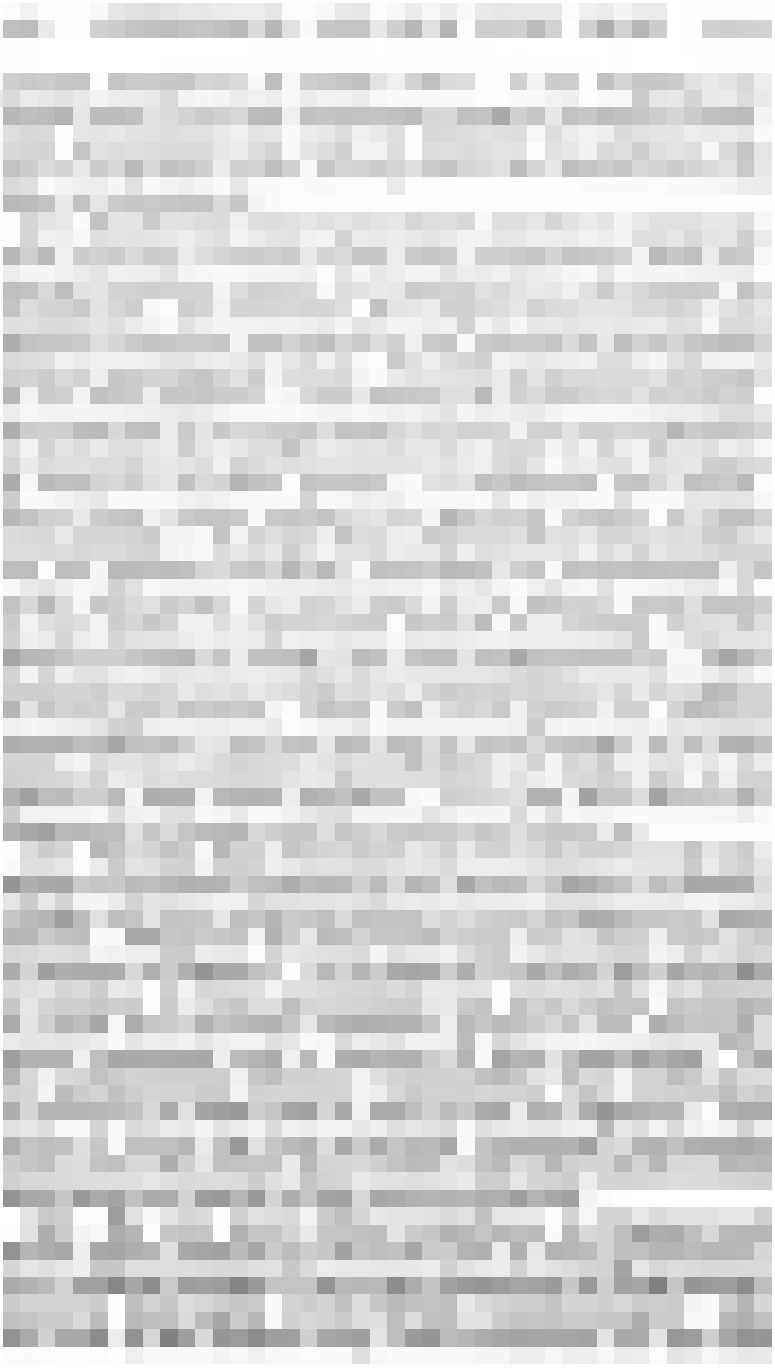
general breakdown of public order. I am weighing my words when I say that continuous progress towards responsible government can only be delayed by subjects who try to undermine order, and by rulers who shrink from the duty of enforcing it.

§ 8. It is for this very reason that I am slow to accept the view, held by a section of my own countrymen, that provincial functions cannot be transferred to electorates by instalments. An electorate, it is urged, cannot assume any political functions entrusted to the provincial government without assuming the whole. The fifth proposition affirmed in the Joint Address — 'that during the period of transition, governments of two types must co-exist, the one responsible to electorates for specific powers, the other to the Secretary of State for all other powers' — is challenged and denied. Have these critics realized the practical results of their own position? It means that a full and final responsibility for all political functions, including the maintenance of order, will sooner or later have to be placed, practically at one stroke, on electorates trained in nothing but the details of district, village, and town administration. These electorates are to be confined to responsibilities in the sphere of local government. They are to be given no political responsibilities; and yet we are to look forward to a time when all the political responsibilities of India are to be placed on their backs together. It is just this which has happened in Russia, and the results are before us.

§ 9. The idea that electorates can be trained for the discharge of political functions in the narrow sphere of district, village, and town administration, is in my judgement a pure illusion. Whatever the text-books may say, they were not so trained in England. In the time of Cromwell the principle of election in local government was practically confined to small and narrowly restricted groups in the boroughs, which contained only a fraction of their population. In the parliamentary elections responsibility was confined to a minority so small that it was in fact an oligarchy. The circle of voters has been gradually broadened downwards, until, under the recent Act, it will, I am told, include a little more than one-fourth of the whole population.

§10. My own short official experience in England and South Africa related for the most part to local government. As a political student I have seen something of local government in most parts of the British Commonwealth. Like the liver in the human body, local authorities are the least



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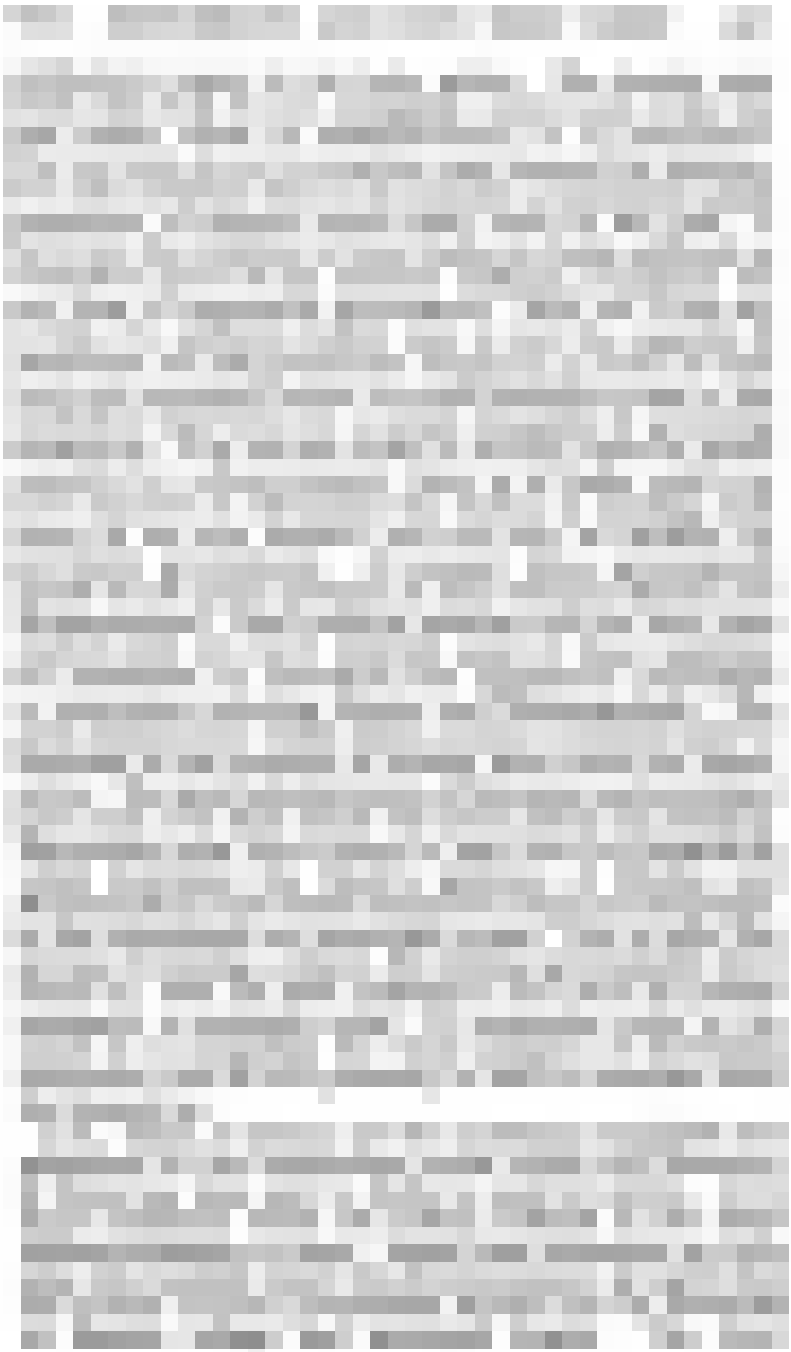
§ 11. Those, I submit, are the conditions recognized and prescribed in the instructions under which the Secretary of State has been sent to India to seek for advice. It is those conditions which the system outlined in the Joint Address attempts to meet. Apart from extremists on both sides who honestly reject the pronouncement, all agree that full powers of local government should now be devolved on district, village, and municipal boards. The Joint



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§ 12. Some better way of doing this than that suggested in the Joint Address may easily be found. I myself suggested in a letter to Mr. Bhupendra Nath Basu,[1] which has since been published, that the best way might be to establish a responsible executive for each existing province, to which functions might be handed over by the old provincial governments, as the new electoral authority showed itself able to take them. After studying the mass of criticism that was made on this proposal, I came to the conclusion that smaller units were needed as the States of a future United States of India. That may or may not be. But when we are told that the method of specific devolution in India must be confined to district, village, and town boards, and to such administrative details as can be devolved on local bodies, but that it cannot, by any manner of means, be extended to provincial and political functions, I confess I view such arguments with reserve. Moderates who advance them have not, I feel, faced the consequence of their own reasoning. They do not see that, sooner or later, they are proposing to hand over at one stroke all political functions, the whole government of India, to electorates which have never been called upon to exercise any responsibility, or to decide issues, in the genuine field of politics.

§ 13. Really the crux of the whole problem lies in finding some plan, whereby instalments of real political responsibility can be placed on electorates, in order that their

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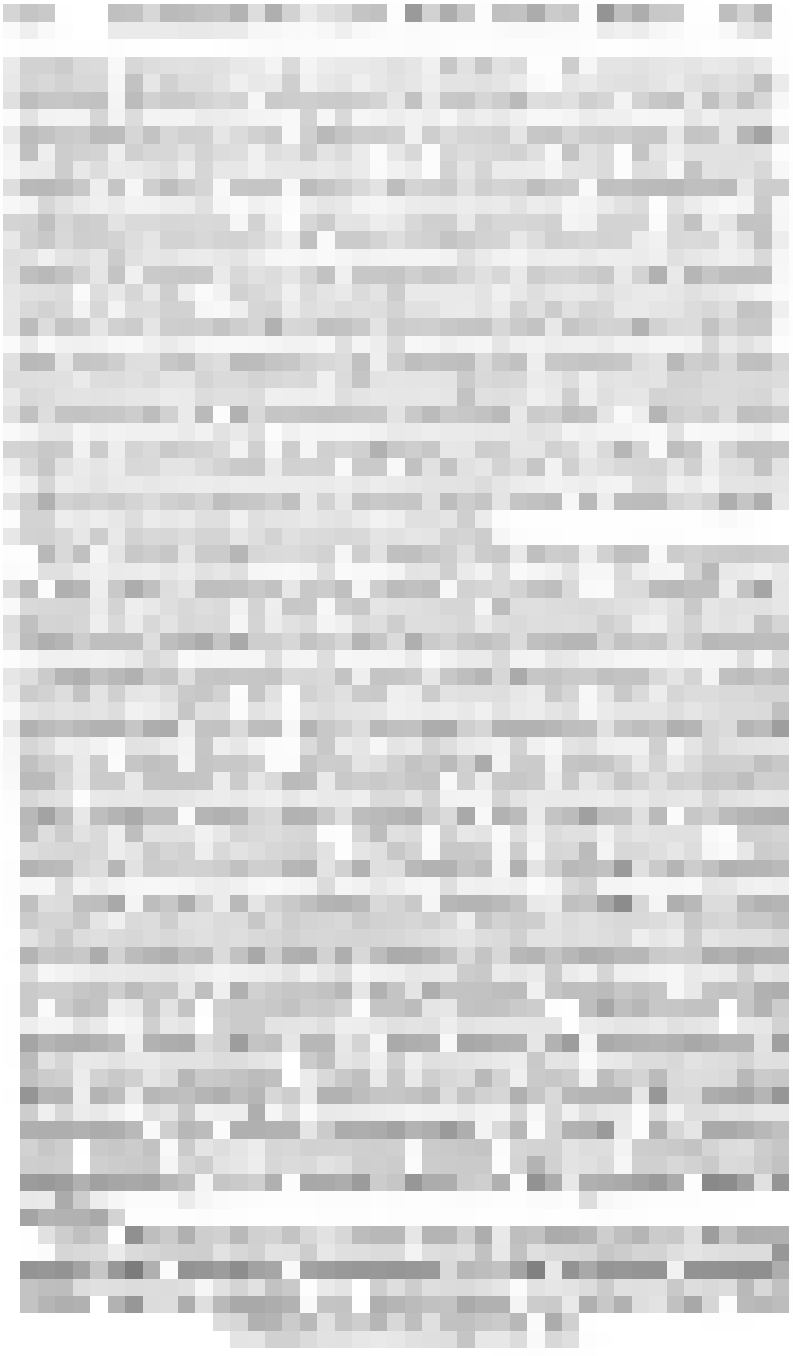

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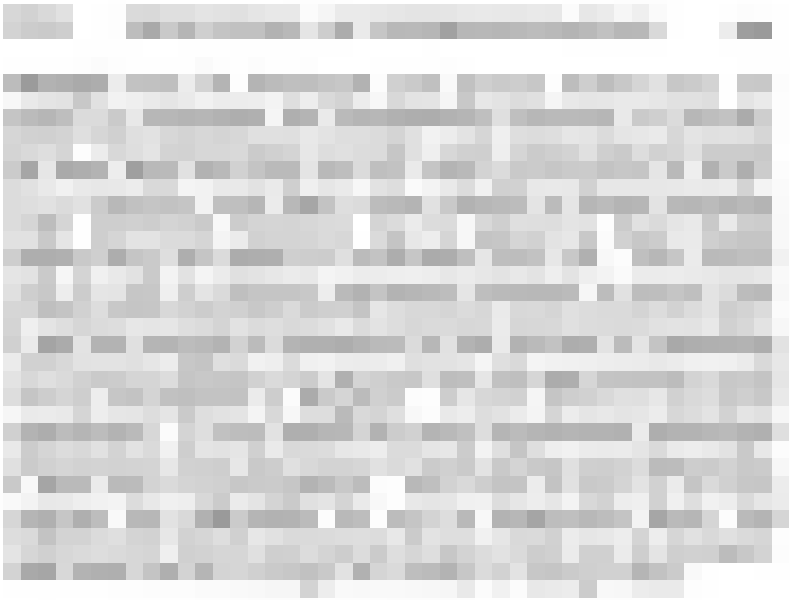
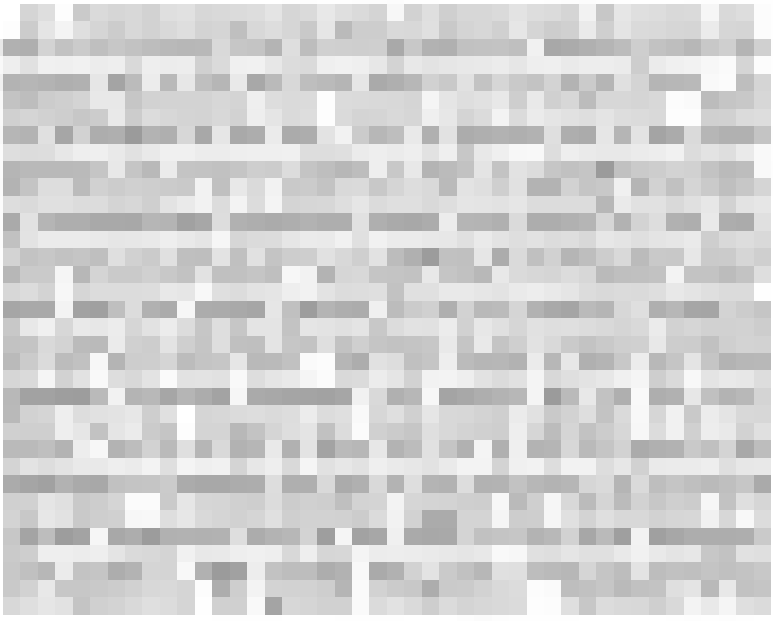
strength may be developed and proved, before they are asked to undertake the fundamental function of government—the maintenance of order; and where they are ready for that, they are ready for the whole government of India. It is therefore vital that a plan should be found whereby some provincial functions can be placed in their charge before they are asked to undertake them all. The public will do well to distrust arguments directed to prove that a thing obviously dictated by common sense cannot be done. I am old enough to remember in the nineties a committee of Treasury officials who proved that old-age pensions could not be established in England. I have lived to see them established. I have heard the most experienced politicians demonstrate that the Union of South Africa was impossible. I have seen it accomplished. The truth is that in all such matters the difficulties lie, not in immutable facts, but rather in the minds and hearts of men, which can be changed, and need but the courage of a leader to change them.

LETTER XII

PRINCIPLES OF REPRESENTATION

§ 1. THE first step in the path of reform must of course consist in the passing of an Act of Parliament, defining what the reforms are to be, and how effect is to be given them. In defining electorates two courses can be followed. They can be defined in the Act; but, as pointed out in the Joint Address, this course is likely to lead to a dangerous delay. The alternative is to remit the task of defining electorates to commissioners appointed under, and named in, the Act. The most we can do now is to suggest principles upon which they should be based. To begin with, it is clearly important that the voters should, so far as possible, belong to the class who will feel the incidence of new taxation imposed by the men they elect. My own belief is that any fresh burdens, however imposed, will mainly fall on the land. How far the tenants are rack-rented already I do not know; but in so far as they are not, it will be open to the landlords to transfer the tax to the cultivator by increasing the rents. I would therefore suggest the cultivation of a certain minimum area as the basis of the rural franchise. Nor, would I urge, should any voter, otherwise qualified, be rejected on the ground of illiteracy. Speaking of my





strength may be developed and proved, before they are asked to undertake the fundamental function of government—the maintenance of order; and where they are ready for that, they are ready for the whole government of India. It is therefore vital that a plan should be found whereby some provincial functions can be placed in their charge before they are asked to undertake them all. The public will do well to distrust arguments directed to prove that a thing obviously dictated by common sense cannot be done. I am old enough to remember in the nineties a committee of Treasury officials who proved that old-age pensions could not be established in England. I have lived to see them established. I have heard the most experienced politicians demonstrate that the Union of South Africa was impossible. I have seen it accomplished. The truth is that in all such matters the difficulties lie, not in immutable facts, but rather in the minds and hearts of men, which can be changed, and need but the courage of a leader to change them.

LETTER XII

PRINCIPLES OF REPRESENTATION

§ 1. THE first step in the path of reform must of course consist in the passing of an Act of Parliament, defining what the reforms are to be, and how effect is to be given them. In defining electorates two courses can be followed. They can be defined in the Act; but, as pointed out in the Joint Address, this course is likely to lead to a dangerous delay. The alternative is to remit the task of defining electorates to commissioners appointed under, and named in, the Act. The most we can do now is to suggest principles upon which they should be based. To begin with, it is clearly important that the voters should, so far as possible, belong to the class who will feel the incidence of new taxation imposed by the men they elect. My own belief is that any fresh burdens, however imposed, will mainly fall on the land. How far the tenants are rack-rented already I do not know; but in so far as they are not, it will be open to the landlords to transfer the tax to the cultivator by increasing the rents. I would therefore suggest the cultivation of a certain minimum area as the basis of the rural franchise. Nor, would I urge, should any voter, otherwise qualified, be rejected on the ground of illiteracy. Speaking of my

own village in England, I would trust the political judgement of a smallholder who could not write his name, more than I would that of the schoolmaster imported from London. In India you have, in the British officials, an admirable machinery for recording an illiterate vote, because they stand outside the issues which will divide parties. If necessary, enough of them can be drafted in from outside for the purposes of the election. Due weight can be given to the educated voters through university representation, or the representation of graduates.

§ 2. In the initial stages of the experiment, the framing of the voters' rolls should be kept in the hands of the provincial government. The system should be designed, so far as possible, to make it clear that the electorate of each State is designated, by every possible means, as the body of citizens who are the ultimate trustees of the interests transferred to the State government. I would leave it open to the assembly to extend the franchise by legislation, which would be subject to the safeguard of the veto. But I would also leave it open to the government of the province to extend or improve the electorate in case it should develop exclusive tendencies. It is desirable to enlarge electorates, so far as possible, if only because they are then less easy to corrupt. The existing microscopic electorates are a standing invitation to corruption which it is most difficult to discover. I know of a case in which Rs. 30,000 was spent by an unsuccessful candidate for a provincial council.

§ 3. The next step would be to delimit the constituencies, and this must be done largely with reference to population. So much the larger number of the constituencies will be rural that it would be well to give representation to universities, or, where there are none, to residents with degrees. Avoid, if you possibly can, separate constituencies based on religious divisions. More than anything else, they will hamper and delay the development of responsible government in India. Proportional representation is the obvious remedy. The complexity lies only in the counting of the votes, which can be done by skilled officials. The voting is simple, and, after a period of trial, the electors will begin to realize that the results reflect the real divisions of the electorate. In this, as in other matters, understanding will come with experience, if only the opportunity of experience be given.

§ 4. I have stated elsewhere that in several matters my

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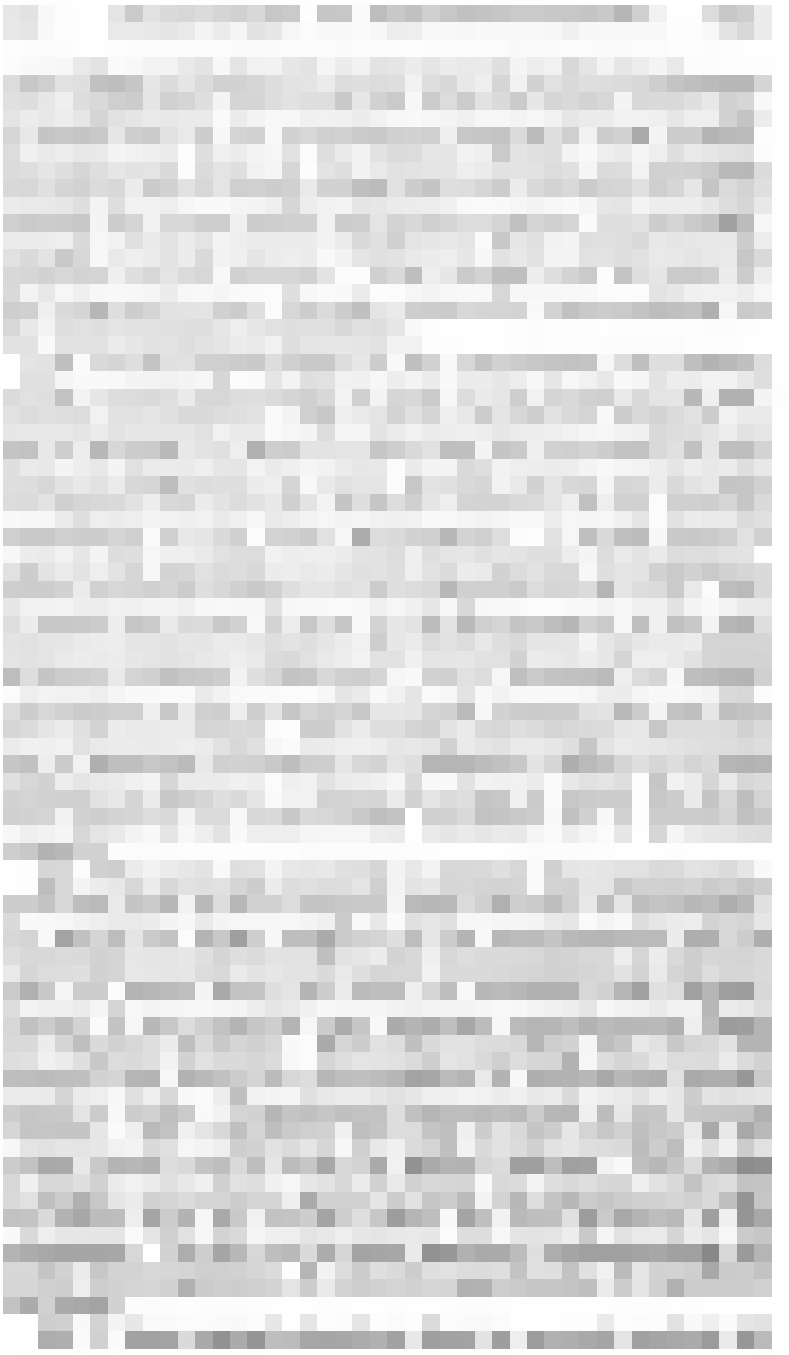


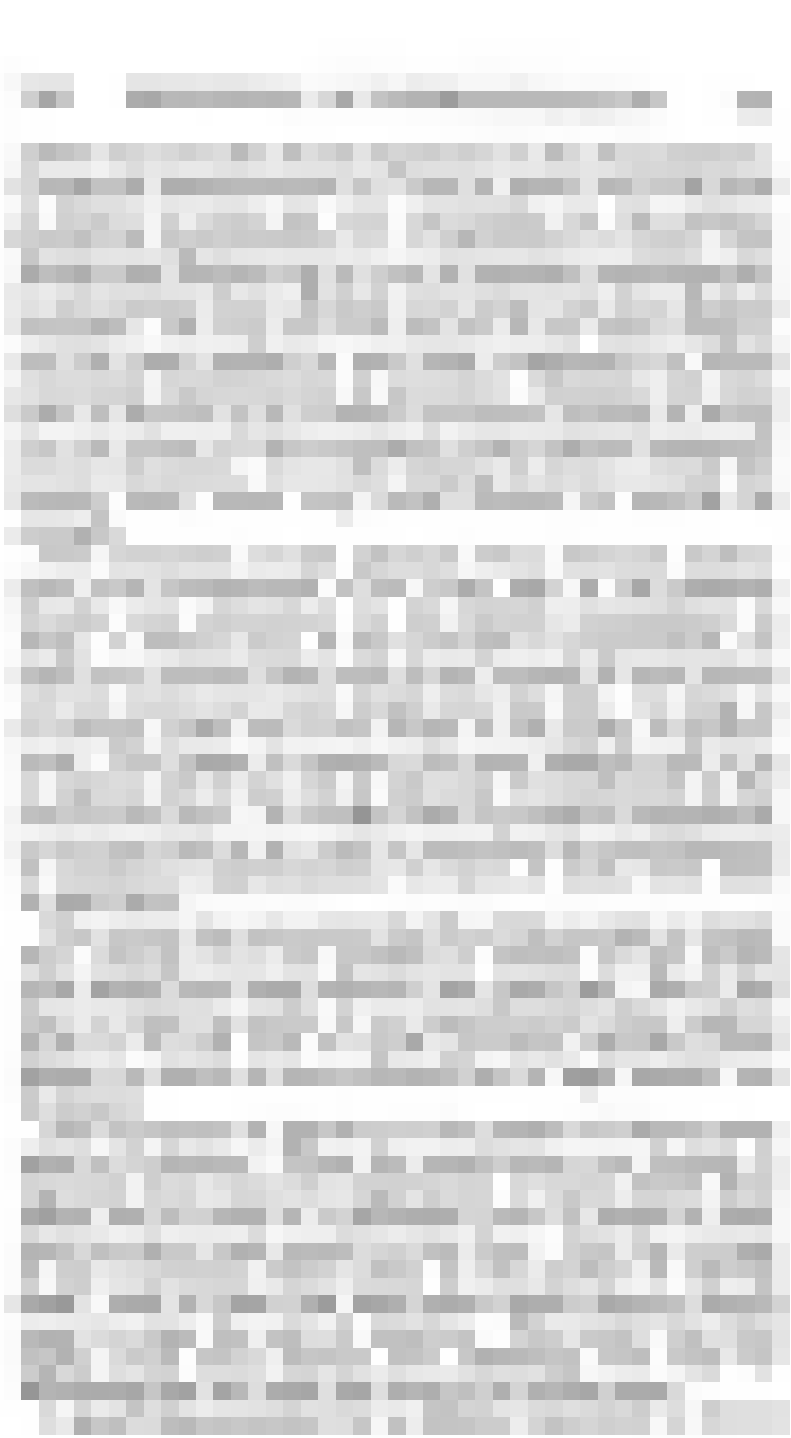
advice was not taken by the signatories to the Joint Address. Communal representation is a case in point, and I am here at liberty to state my own convictions on the subject. Communal representation as I understand it means that Hindus and Moslems are to vote in separate constituencies, in such manner that a Moslem voter must vote for a Moslem candidate. He may not vote for one of any other religion, and the same applies to any other community to which communal representation is accorded. Moslems will thus learn to depend on an artificial protection instead of facing the real source of their weakness—their relative backwardness in education. It is like keeping in irons a weak but healthy limb, which only needs exercise to recover its strength.

The concession of this principle when electoral institutions were inaugurated a few years ago, is the greatest blunder ever committed by the British Government in India. I believe that, if this principle is perpetuated, we shall have saddled India with a new system of caste which will eat every year more deeply into her life. So long as it remains, India will never attain to the unity of nationhood. The longer it remains, the more difficult will it be to uproot, till in the end it will only be eradicated at the cost of civil war. To enable India to achieve nationhood, is the trust laid on us ; and in conceding the establishment of communal representation we have, I hold, been false to that trust.

The system has eaten into the life of this people so deeply that, already, it is not possible to abolish at one stroke what might have been refused a few years ago. But I feel that we shall be guilty of an unpardonable crime against India if we fail now to make provision whereby these fetters, in which we have allowed her to bind herself, can be loosed.

The experience of America in the matter of slavery may help to a solution. When the constitution was framed, it was laid down that the importation of more slaves from Africa was to cease in a particular year—I think in 1808. And the slave trade ceased in that year. But the courage of the convention failed them in the matter of slavery itself ; and no time was fixed after which slavery should cease to stain the soil of America. The result was that eighty years later slavery was abolished, but only by drenching that soil with the blood of a million men.

I plead this precedent for a definite time-limit to be set



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These, I know, are hard sayings for the Moslem community; yet 'faithful are the wounds of a friend'. Things there are bitter in the mouth, that chewed, swallowed, and digested are sweet in the belly.

§ 5. In the criticisms levelled against the Joint Address, it has often been urged that, before suggesting that electorates should be made responsible for certain functions, we are bound to say what the electorates are to be. This criticism, however specious it may seem at the first glance, will not bear the test of analysis.

To begin with, the Joint Address, like the pronouncement of August 20, relates, not to conditions in one province, but to those of all India. It was not possible to compile schedules of voting qualifications appropriate to all the varying conditions of the several provinces. I do not believe that such information at present exists in the files of the Home Department itself.

To this the answer may be made that discussion of the whole question should be postponed until the information is available and all the suggested electorates can be described. But this criticism shows a misconception of the elementary conditions under which an electoral system must be framed. You cannot appoint officers to make an electoral system in the air. You must give them instructions. You must first tell them the principle upon which the vote is to be given. That principle, if our reasoning is right, is simple. *It is that the voters should be those who will in fact feel the effect of the votes given.* It follows, therefore, that the officers appointed to frame the electorate must also know what powers, legislative as well as administrative, the governments responsible to the electorates are to exercise, and especially what their powers of taxation are to be. And these powers will differ in the case of each province—so various are their conditions and levels of advancement. In practice the definition of electorates is

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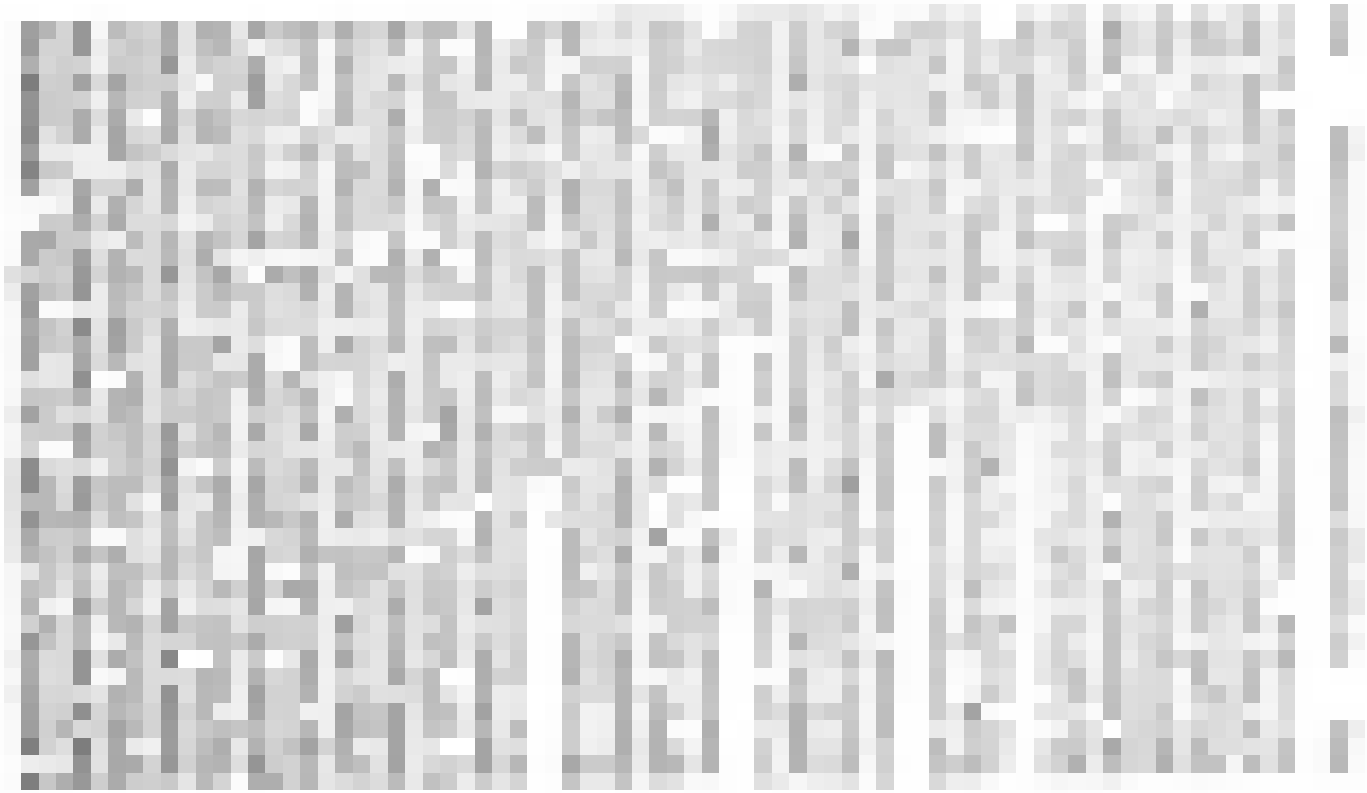

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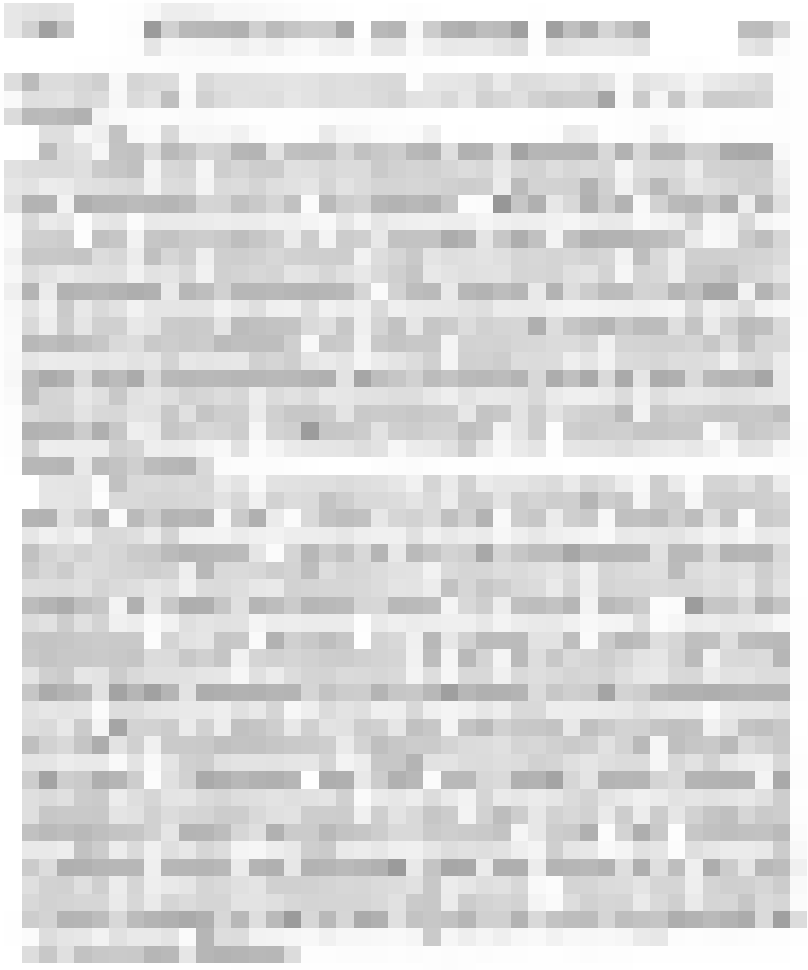
§ 6. The first step, and the only one possible at this stage, is to think out clearly the elementary principle upon which the electorates are to be framed. With what objects in view are electorates to be brought into existence? Our answer is clear and precise, and is so stated for the purpose of criticism and discussion. The object in view should be to fit the voters placed on the list for the exercise of wider political responsibility, for which purpose we contend that some such responsibilities must be given them at the outset. They will certainly make mistakes, and it is only by making mistakes, and by suffering brought on themselves, that they will learn.

§ 7. Granted an acceptance of that principle, the details can be worked out. Some of them can be settled in an Act of Parliament. Such an Act can enumerate the maximum powers that Parliament is prepared to transfer at the outset, in some provinces more, in others less. But the definition of the powers to be given to each province (especially those of taxation) of the electorates and of all other details required for the perfecting of the constitution to be given to each of the new electoral provinces, must be left to commissioners charged to inquire and decide on the spot. Otherwise the Bill will break down before it reaches the statute book, or else there will be a long and dangerous delay—dangerous because, until this question is settled, India, not knowing what her future is to be, will remain in a state of ferment and unrest. Upon this subject I have nothing to add to the arguments used in §§ 38 and 39 of the Joint Address.

LETTER XIII

THE QUESTION OF AN UPPER HOUSE

§ 1. In the memorandum prefaced to the Joint Address it is suggested that the State legislature should consist of one chamber only. No second chamber was suggested, though I knew that a demand would be made for one to consist either of the largest land-holders or of member selected by land-holders. The reason is that their hereditary pride revolts against the thought of seeking the suffrage of an electorate. The feelings of a zamindar are those of Coriolanus.



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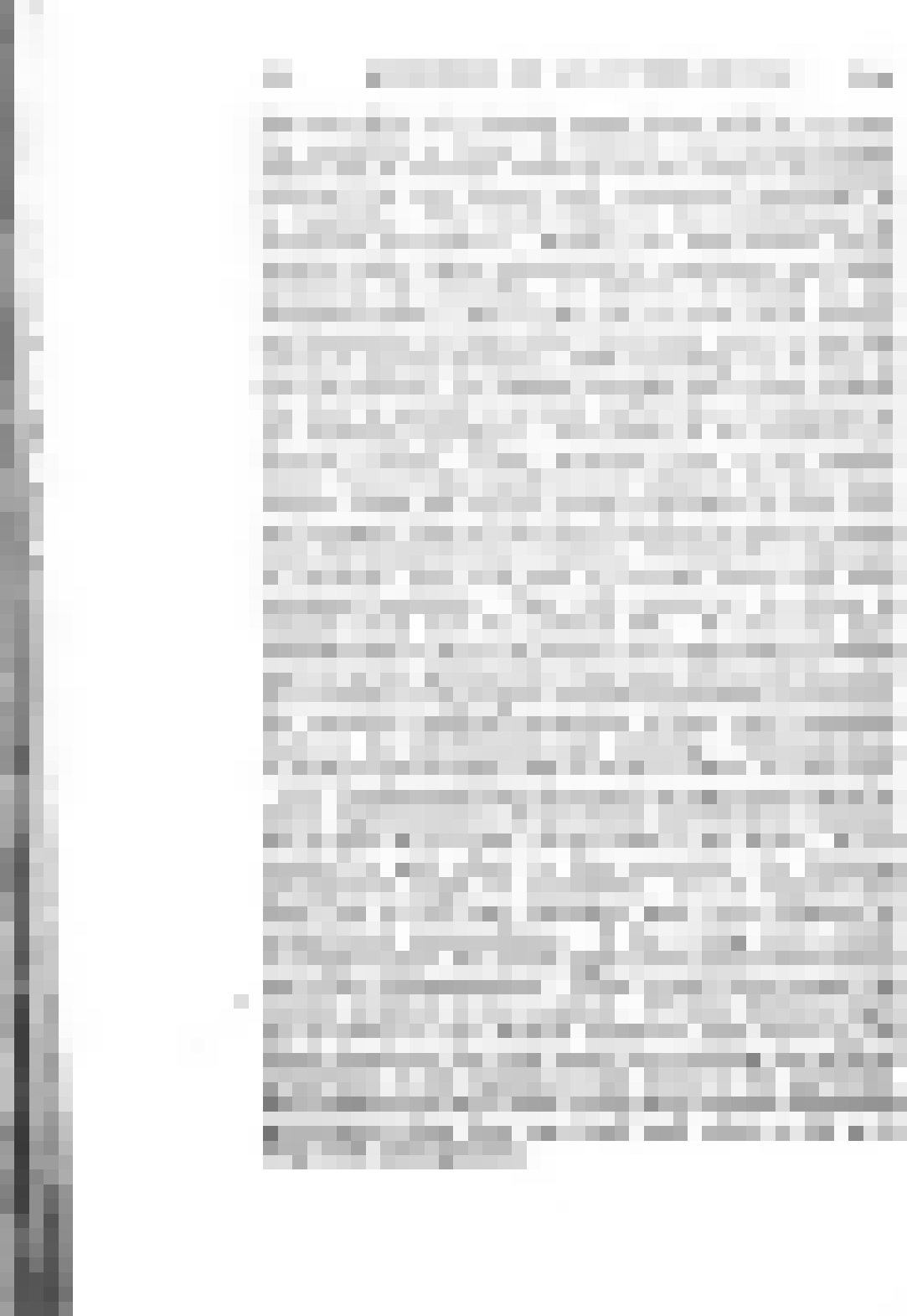
But the effect of a landed upper house will be to make the assembly a house of lawyers and money-lenders. There will be constant collisions on the subject of taxation between the two houses, and consequent deadlocks, as in Australia. The whole thing is too cumbersome for provincial government. Besides, the land holders, whose position gives them administrative experience, are badly needed in the assembly. It will be, or should be, the dominant house: and if they are to serve their country and do justice to their order, they must come to face the ordeal of popular elections. But something can be done to ease the process. In English boroughs and county councils the door is opened to a most useful class of members by the following expedient. Two thirds of the members are directly elected. These members then co-opt another third. Now, if this expedient were adopted, the older land-holders would put up the younger members of their order and support them at the direct election in order to secure seats for themselves by co-option. If induced to take part in elections, they will tend to become better and more indulgent landlords. They will, moreover, be driven to educate their sons for political life. If once the land-holding class be given the motive and opportunity of taking part in active political life, they may well work the salvation of India in its progress towards responsible government. An excessive artificial protection of any class invariably leads to its enfeeblement and undoing. Mohammedans, as well as land-holders, will do well to reflect on this truth.

§ 2. I understand that, at present, an agreement exists between representatives of the Hindu and Moslem communities to give 30 per cent. of the seats to the latter. If it is decided to give effect to this concordat, the following arrangement might be considered. Let us suppose that forty out of the sixty members have been returned by proportional representation. If the voting were strictly on religious lines, the result might yield thirty-three Hindus and seven Mohammedans. There would then remain the twenty members to be co-opted. Of these thirteen might be co-opted by the Moslem members, and seven by the Hindu members, the total result thus yielding the artificial proportions in the legislature laid down in the agreement. But Indians will have made a long step towards responsible government when they can trust each other so far as to forgo such arrangements.



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LETTER XIV

EXECUTIVE FUNCTIONS

§ 1. In order to sketch the constitution of the executive, it is necessary first of all to consider the functions which the new governments would have to discharge.

These may be divided into two classes.

I. In the first place there are the administrative functions which may involve legislation from time to time. Education is an instance. In this connexion it is important to note that, under the existing system, educational policy is embodied in executive resolutions and regulations. Under a system of responsible government it will have to be embodied in education Acts passed by the Assembly. A change of policy will involve a legislative amendment of the education Act.

II. In the second place there are the legislative functions, those which involve making some change in the existing laws, which may or may not involve administrative action or change as well. Legislation on marriages between castes might or might not involve some change in the machinery of registration.

§ 2. As functions belonging to class I involve expenditure, a fairly complete list of them can be framed by reference to the estimates of the existing provinces. From these estimates I will endeavour to frame a schedule showing the functions which could be transferred from time to time to the State governments, leaving a residuum, when the process is completed, which will have to go to the Government of India.

§ 3. Obviously the first powers to be transferred must be those the details of which have already been entrusted to the district and municipal boards.

These are—

I

Vernacular education.
Medical relief.
Rural sanitation.
Veterinary aid.
Roads, other than provincial trunk roads.

§ 4. The above is the smallest group of functions which could be transferred to the new bodies. I now come to those which might be added, either at once, or severally from time to time, as the administrative record of the new governments

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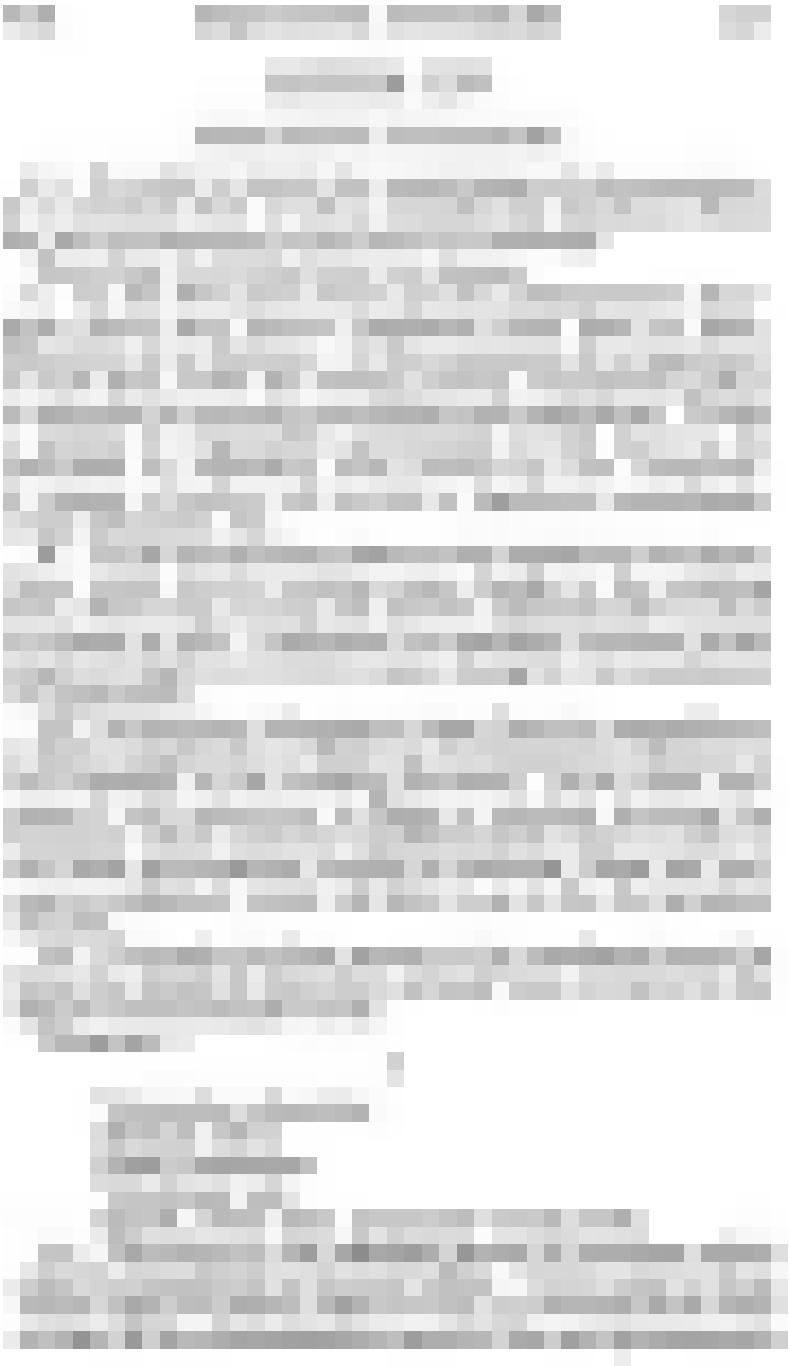

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II

Provincial trunk roads and bridges.
Agriculture.
Co-operative credit.
Factories and industries.
Registration of deeds.
Local railways.
Forests.
Irrigation.
Charitable endowments.
Famine relief.
Higher education.

§ 5. Thirdly, we come to functions, which would only be transferred to a State when its Government and electorate had proved itself equal to the full burden of responsible government.

III

Law and justice.
Court of wards.
Jails.
Police (final control).
Control of the district officers.

§ 6. When this final transfer had been made to all the States, the old provincial government would vanish. Some or all of the following functions would then revert to the direct control of the Government of India :

IV

Irrigation systems included in the areas of two or more States.
Ecclesiastical affairs.
Archaeology.
Relations with Principalities.
Territorial and political pensions.
Ports and pilotage. (In the presidencies.)
And possibly the boards of revenue.

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LETTER XV

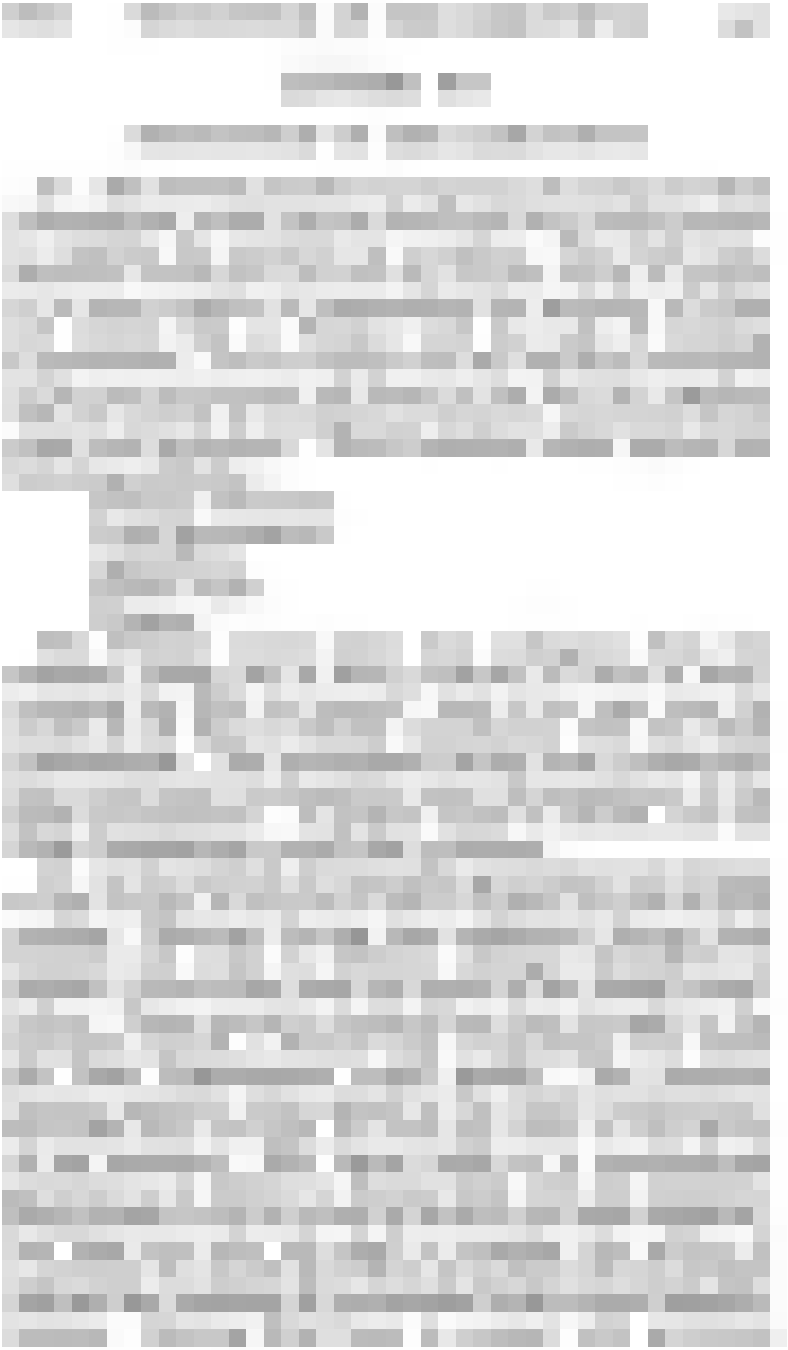
STRUCTURE OF THE EXECUTIVE

§ 1. THE elected members having been returned, the Chief Commissioner would convene them and they would proceed to complete the assembly by co-option. The Chief Commissioner would then send for the member whom he judged to be most capable of commanding the majority of votes and entrust him as Premier with the task of forming a government. Let us suppose that the functions entrusted to the new government are those in the first list, together with the control of municipal government, provincial trunk roads, and agriculture. These functions would require the following portfolios :

Primary education.
Local government.
Agriculture.
Public works.
Finance.

The Premier would select four colleagues from the assembly, assign one of these portfolios to each of them, retaining the fifth for himself. And, if he were wise, he would do all this in friendly consultation with the Chief Commissioner. The government having been constituted, they would meet the assembly under the presidency of the Chief Commissioner. A speaker would be elected, and the Chief Commissioner would then withdraw.

§ 2. As the methods of responsible government are strange to this country, it may be as well to explain one side of their working. Ministers, having been appointed, discuss their business and come to decisions amongst themselves in cabinet, a word which does not appear in the formal constitution. These executive decisions are then brought to the executive council, a formal body of ministers over which the Chief Commissioner would preside. The decisions become operative when signed by the Chief Commissioner. Provided they are legal, he *must* sign them on the advice of the ministers. But, before doing so, a constitutional governor is at liberty to discuss them with his ministers. Responsibility and the power of decision rest with ministers ; but they are only too glad to consider the advice of a governor who stands aloof from all parties and has perhaps watched the workings of government under several administrations. Having often been in contact with governors



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and ministers in the self-governing Dominions, I can testify to the cordial relations which prevail between them. Ministers often regard the governor as their best friend and adviser. He, on the other hand, generally refers to 'my ministers' in a tone of affectionate enthusiasm. In the situation I am sketching, responsible government in India would begin with an advantage which has been usually wanting in the colonies. The Chief Commissioner would be an expert, with a thorough grasp of all the public affairs of his Provincial State. His instructions would make it perfectly clear that all control and all responsibility in respect of functions transferred to ministers rested with them and not with himself. His experienced advice would be at their disposal, and, just because they were free to reject it, they would be all the more willing to seek and to consider it. His experience could influence them to the full. Responsibility would rest with them.

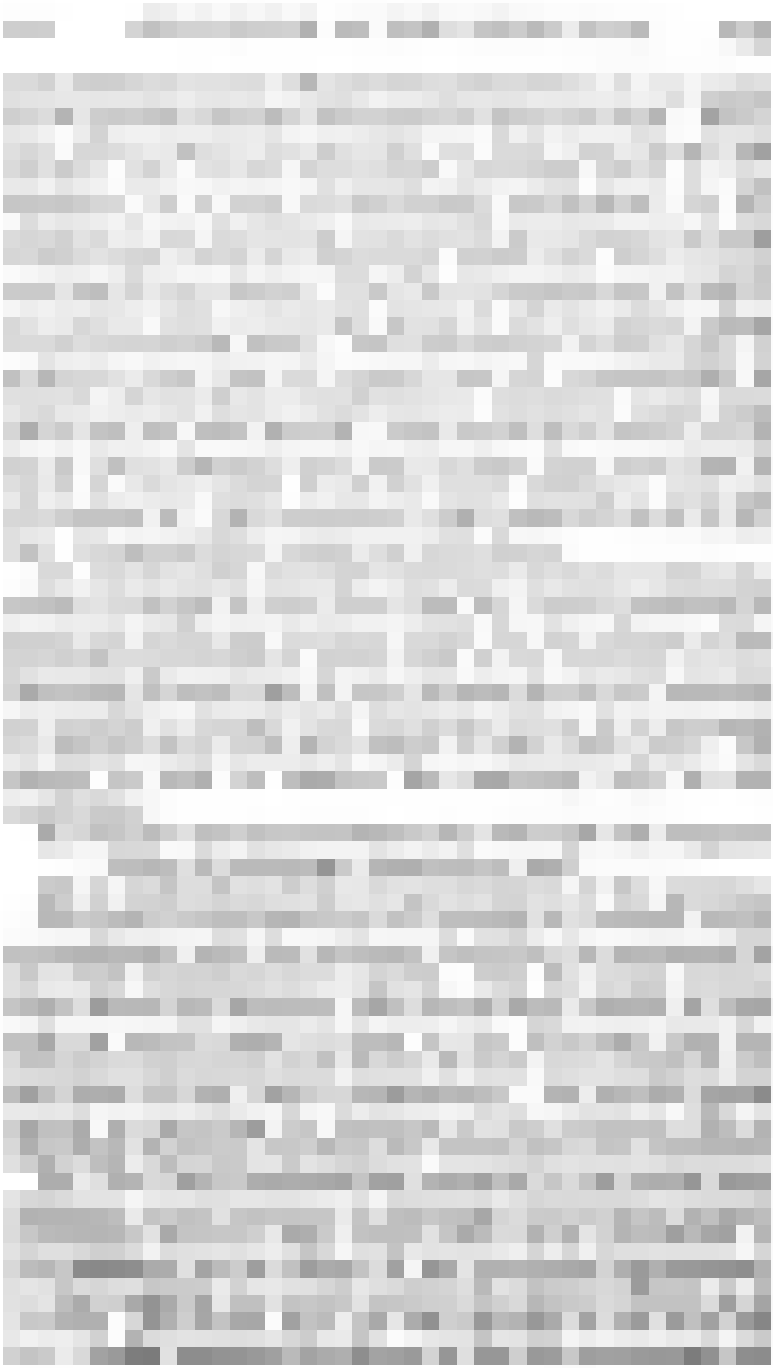
§ 3. As the point was raised and gave serious trouble elsewhere, it should be laid down that the Chief Commissioner must not ratify any decision which the law officers of the provincial government advise him to be contrary to law. Otherwise he must sign, if, after hearing his advice, ministers are unable to change their decisions, unless he is prepared to dismiss them and find others to take their place. He should be able to dissolve the assembly only on two conditions:

(1) that he can find ministers who will take the responsibility of advising a dissolution, and

(2) on instructions from the government of the province.

The policy of ministers at the opening of a session would, in accordance with the ordinary tradition, be announced in the Chief Commissioner's speech. But the usual conventions should be dropped, and phraseology should be used such as would make it clear to the electorate that the decisions announced were those of their own ministers and not those of the Chief Commissioner. He should appear merely as reporting the decisions of the ministers, like an impartial chairman reporting the resolutions of a committee.

§ 4. The Chief Commissioner, assisted by the junior commissioner, would continue to discharge the duties at present associated with his office (other than those transferred to the ministry) as an officer of the provincial government. In that capacity he would control the district officers as at present. He would, thus, be well situated to act as a link and a buffer between the officers of the old government and



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the new. He would be able to mitigate friction between the district officers and those of the ministry, just as these officers themselves have done in their capacity as chairmen of the district boards and municipalities. He would want his ministry to succeed, and would use his authority with his district officers to get them to smooth difficulties away. But those officers should be specifically divested of all responsibility for functions transferred to the ministry. The discovery which the electors will make, however slowly, that their own ministers are responsible for these things, and that it is through their members that they must seek relief, is the most important item in their education. For the sake of the electors district officers must be warned to decline specifically to touch grievances which come within the jurisdiction of the State ministers.

§ 5. It may be useful to trace the manner in which the first ministry would assume its functions. Ministers would not take over their functions until they had organized departments for the purpose. Aided by the Chief Commissioner, each minister would select a head of his department from the ranks of existing officials. Aided by that officer he would obtain the necessary subordinates from existing cadres, and so organize his department. When ready to do so he would notify the provincial government that he was prepared to assume control of the functions assigned to him. To take one example, the educational department would then transfer the whole control of primary education to the minister of education and to his new department, built up from materials recruited in the old one.

§ 6. In the Joint Address it is proposed that the transfer of officers from the provincial staffs to those of the States should be arranged by ministers with the assistance of the Chief Commissioner. In the event of any final difference of opinion, the last word is to be with a permanent civil service commission. The success or failure of the experiment will, I believe, largely depend upon the ability of the first ministers to secure as the permanent heads of their departments the ablest members of the existing services. Decisions must rest with responsible ministers, but it is thus, and thus only, that ministers will have before them the best technical advice upon which to decide.

§ 7. The estrangement developed of late years between educated Indians and members of the service is deplorable. Like all such estrangements, it is largely due to ignorance of each other, and to want of any regular sphere of work

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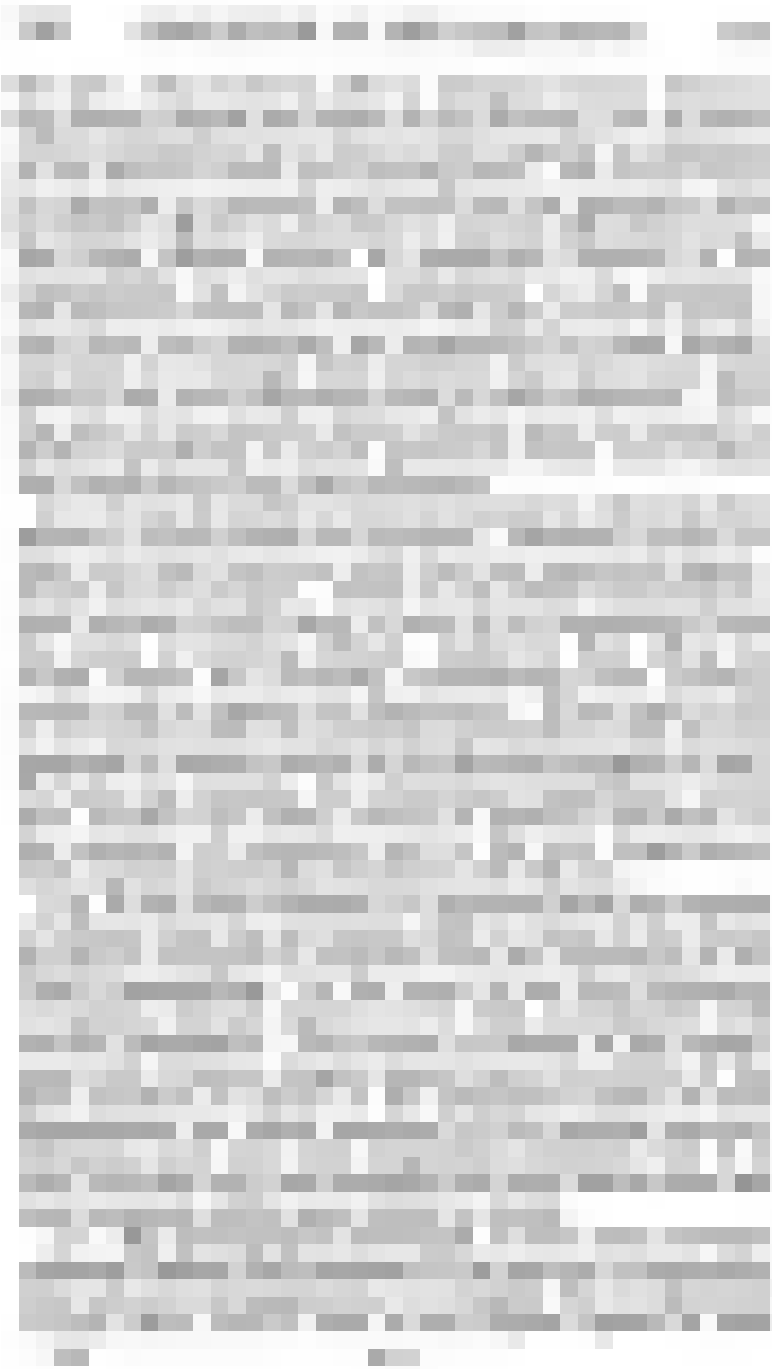
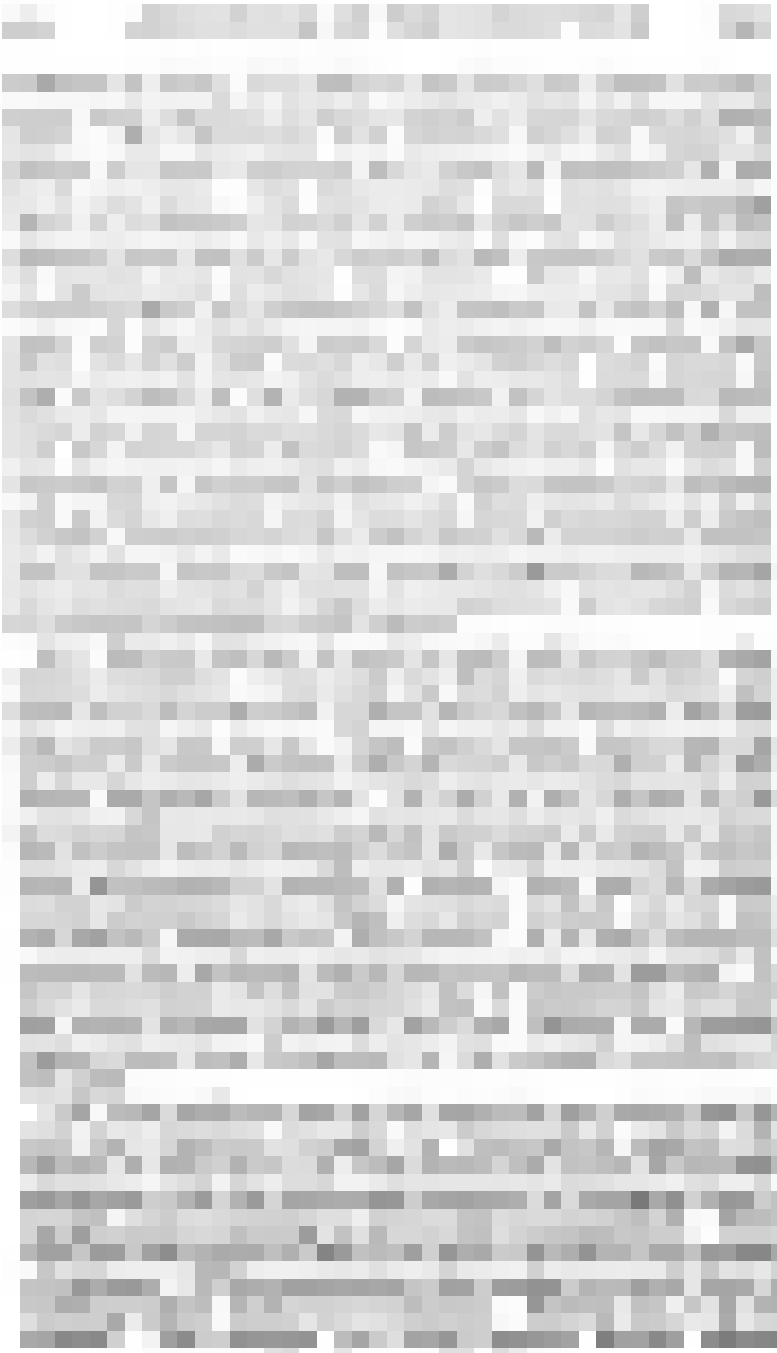


common to both. It is safe to say that two classes of men never work together without coming to think better of each other. The Transvaal civil servant was the target of almost as much criticism and abuse as members of the I.C.S. are here. One Boer leader just before assuming office as a Minister, said in a public speech, that, of all the plagues from which the Transvaal had suffered, the plague of experts was perhaps the worst. Yet soon after he assumed office he confirmed the position of nearly if not quite all the British heads of departments under him. Most of them still retain those positions and speak of him in terms of the highest praise as a political chief. With the new ministers this was the rule, not the exception, and the reason was simple. They felt their own want of experience in technical matters. They wanted to succeed, and so like sensible men they put their prejudices in their pockets, and kept the men who knew the technical details. And before these men had worked together many weeks the mutual prejudice began to evaporate, and made room for mutual confidence and respect.

§ 8. British officials, it may be said, will not serve under Indian ministers. I can only say that several of them, and those not the least able I have met, have assured me that this would not be so. They have before their eyes the position in which British officials have served from the first under Egyptian ministers. As one of my friends in the service said, it would be a great adventure to him to throw his energies and knowledge into the task of making responsible government a reality in India. Any one, he added, could administer the village on lines worked out by men like Munro, Elphinstone, and Colvin. It is easy enough to continue the methods which they evolved and applied. To their successors of the present day is presented a new and far more delicate problem, and one calling for qualities higher than those demanded by the simpler conditions of the past.

§ 9. And while we are on this point let me notice that the one real objection brought by Nationalists against this scheme is that the I.C.S. will thwart the work of the State ministries, with the deliberate intention of bringing them to naught, and so seeming to prove their incompetence. Those who use this argument fail to see that it is fatal to any scheme of reforms. If the assumption they make is correct there is nothing before India but revolution. Believe me, it is not correct. The charges you bring against British officials



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here, should really be directed against us, the people of England. It is we who have failed since 1858 to revise instructions which have long been obsolete. The members of the service now have their instructions, and will be found loyal to their spirit as well as their letter. I venture to predict that as they realize the nature of the new enterprise before them, they will come to glory in its pursuit. There are many unofficial Europeans, who would feel more hopeful of this adventure, if their imaginations allowed them to depict the first Indian ministers, selecting as their permanent assistants able members of the I.C.S. and of the collateral services.

LETTER XVI

LEGISLATIVE POWERS

§ 1. We may now consider the manner in which the legislative powers of the States are to be defined. They cannot, like the executive powers, be scheduled at present. In framing a federal constitution the greatest difficulty to be faced is usually that of drawing the line between the legislative powers to be exercised by the provincial governments on the one hand, and by the national government on the other hand. The only true guide is experience, and the best way in which to evoke and crystallize that experience is the device of enabling legislation, promoted by the provincial authority, and passed into law by the central authority. It was thus that the powers of the great municipal corporations of England were built up in the nineteenth century. Cities, like Manchester, Newcastle, and Birmingham had corporations based upon charters granted centuries ago. In the first decades of the nineteenth century the introduction of steam power and the factory system caused an unprecedented growth in their populations, and created all sorts of needs which were not foreseen when the original charters were granted. Such cities, for instance, required to be drained in accordance with modern sanitary science. This involved an interference with private rights and a power to raise loans, which was not within the existing powers of the town council. In order to obtain these powers, the council would present a petition to Parliament in the form of a private Bill, in the clauses of which were defined all the necessary powers of expropriation, of making by-laws, and of raising loans. Such Bills,

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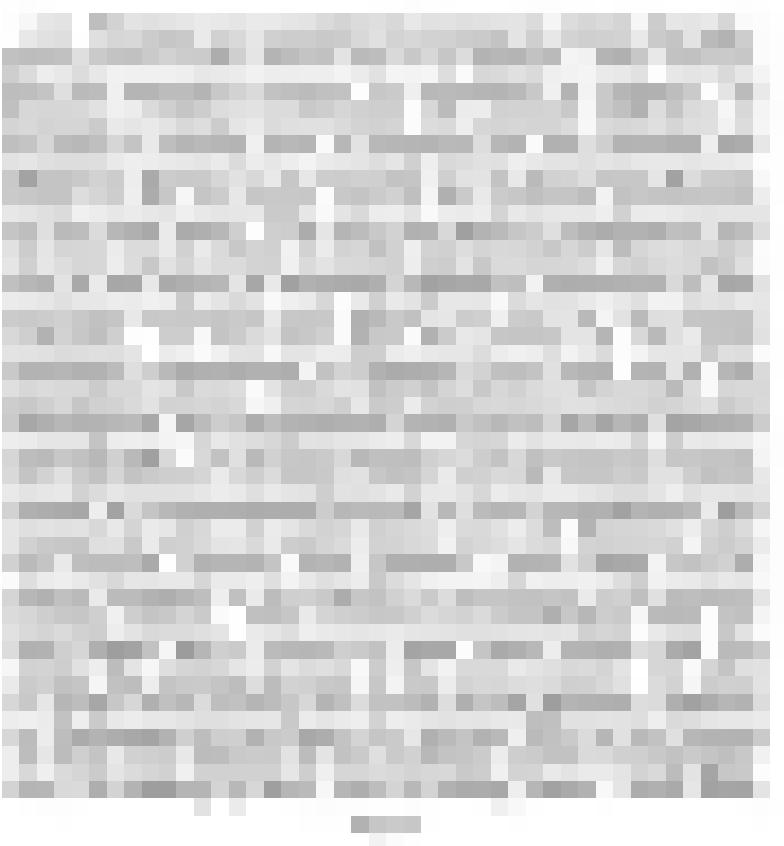
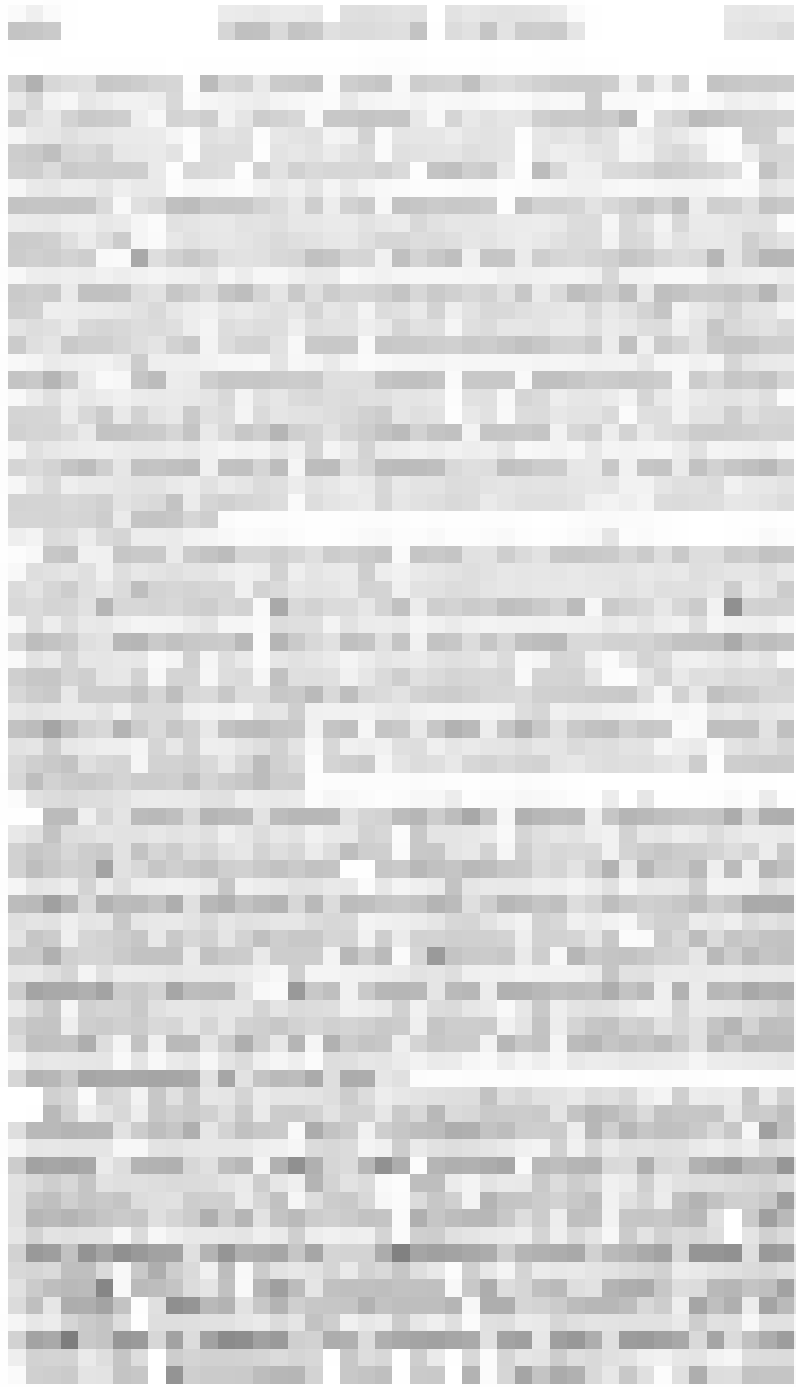


after passing their first and second readings as a matter of course, were then referred to a standing committee appointed to deal with all measures of this class. The corporation was represented before the committee by counsel. Opponents of the measure would appear in the same way. Government departments would also be represented. Evidence would be heard for and against the Bill as a whole, and also with reference to its various provisions. The committee would then report whether the Bill ought to be passed, and, if so, with what amendment of its original terms. The committee's report was practically decisive and was accepted by Parliament. In this way the corporations obtained enabling legislation based on an experience of their actual needs and adapted thereto by an accurate and searching inquiry into the subject-matter to which each measure related.

§ 2. Then came the period when the multifarious results of such legislation all over the country were reviewed by the Local Government Board, and consolidated into one Municipal Corporations Bill, which, when passed by Parliament, applied to all the great corporations alike. The powers, and especially the legislative powers appropriate to States, might well be worked out by some such process. And in doing so India might loose the heaviest fetters in which she has bound herself.

§ 3. I have often heard it said that, before Indians ask for political powers, they ought first to devote themselves to the task of social reform. If Englishmen will think of the social reforms effected in their own country, they will realize how unfair and impossible a condition this is. What great social reform has ever been effected in England without legislative action? How could the employment of women and children in industries and mines, the status of married women, or the sale of liquor, have been reformed without the enactment of a new law?

§ 4. In India the need for social reform largely arises from customs which have been crystallized by decisions in the courts, under the rigid legal system which we ourselves introduced from the West. The possibility of improving custom by custom has been checked in the process. But the necessary corrective, a legislature which could alter the binding effect of legal decisions, has been largely wanting in India. Before the government will consent to alter the social law by statute, the reformer has been asked to convince the government that he is backed by 'an over-



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whelming demand' of public opinion. At present the means of showing that such a demand exists are wanting. On the other hand, the forces of reaction have every opportunity of convincing the government that a change in the law will be followed by serious trouble. A desire to avoid trouble has become a dominant motive of government in India. The social results are deplorable. In the Transvaal the marriage of a negro with a European woman, that is to say, between two castes, is contrary to law. In England I have often heard South Africa branded as the one country beneath the British flag in which marriage between any two sections of British subjects was forbidden. What was my surprise then, on coming to India, to find that under the law of that country no legal marriage between members of two different castes could be solemnized!

§ 5. On glancing through the records of the Imperial Legislative Council for the year 1912, I came across a Bill moved by Mr. Bhupendra Nath Basu to allow civil marriage between members of different castes. The Bill, it seems, came to no more than this, that people might avail themselves of the Special Marriage Act of 1872 (which seems to provide for civil marriage) *without first declaring 'that they profess no known religion in India'*. With one exception, the debate was conducted exclusively by Indian members. That exception was the Home Member, who bluntly announced that, until the mover could show that there was an overwhelming preponderance of opinion in favour of the change, government would oppose his measure. Mr. Gokhale pleaded in vain that the Bill might be allowed to go to a Select Committee upon which official members were in the majority. The mover, after replying, was supported by ten other members.[1]

With the majority against him, the whole corps of British officials were ordered by the Governor-General and his council to march into the lobby and vote the measure down. So far as the British Government was concerned it might not even pass to be considered by a select committee before it was rejected.

§ 6. Let Englishmen ask themselves what great social reform could have passed in their own country, subject to

[1] Their names deserve to be recorded:

The Hon'ble Raja of Dighapatia.	The Hon. Mr. Madge.
„ Mr. Sinha.	„ „ Dadabhoy.
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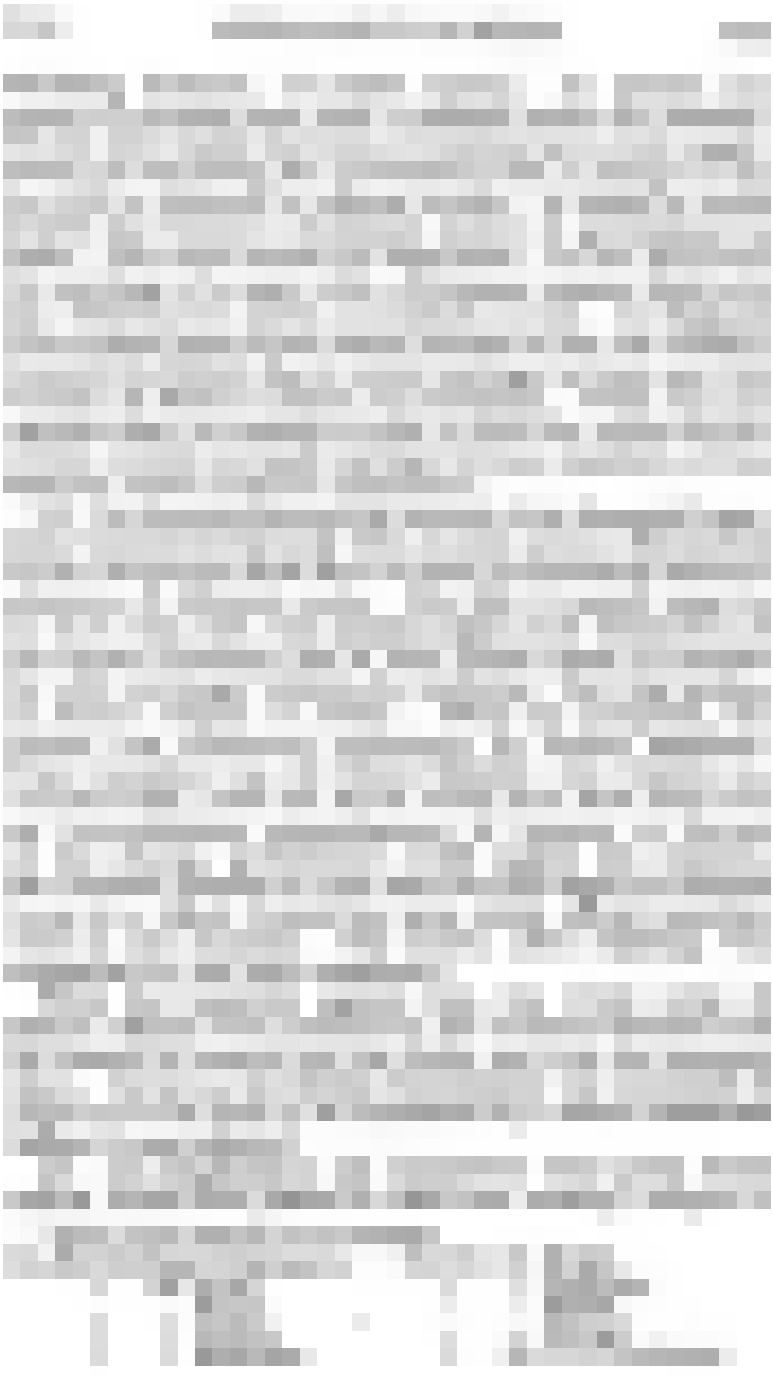

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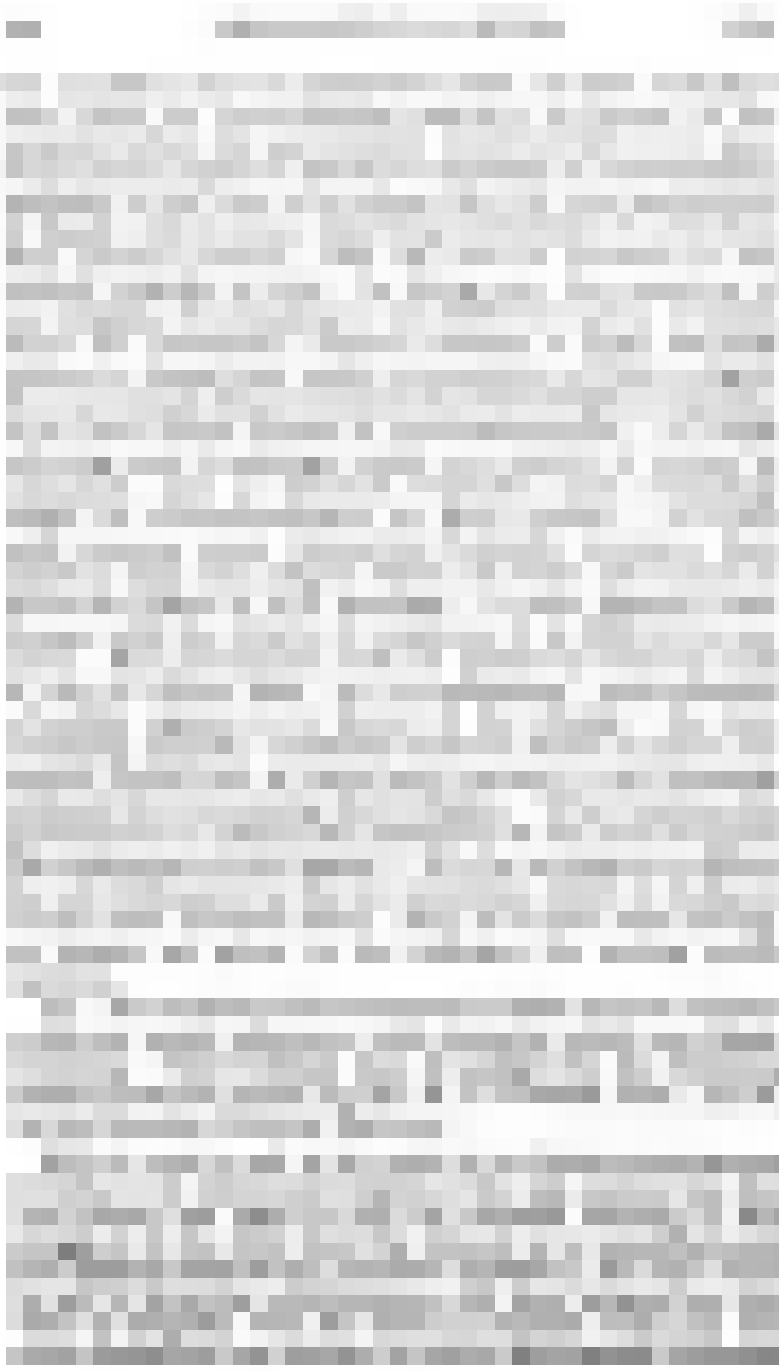
the condition that its promoters must, in some undefined way, show an overwhelming majority in favour of the measure before the government would permit it to pass. Some reason might be found for requiring an overwhelming majority in the case of a reform like the total prohibition of liquor, which means depriving individuals of a freedom they already possess. But the case in question is one exactly opposite to this. As things are, two members of one religion, if belonging to two different castes, of which there are thousands, cannot contract a legal marriage without a formal and public renunciation of their religion. It is not enough for government that their religious organizations have ample powers of excommunication. A couple effecting such a marriage would, as a matter of course, be outcasted, just as divorced Catholics upon remarriage might be excommunicated by their church. In India such persons must themselves formally renounce their belief in their own religion before the State will extend to them the rights of civil marriage. A more flagrant interference with the liberty of conscience it is difficult to conceive. But government will not permit its removal until it can be shown that 'an overwhelming' preponderance of public opinion is in favour of the change. An overwhelming majority of Hindus must be shown to have consented, before two of them may contract a civil marriage without first renouncing their religion. What business has government to enforce the ordinances of the church against the enjoyment of civil rights? It is for a religion to enforce its own ordinances by its own sanctions, which in India are of the most powerful kind. And, as I have said already, no means are given to the reformer for testing public opinion.

§ 7. The attitude of Government in India on these subjects confronts social reformers with obstacles which are heart-breaking. Their feelings may be judged by the following extract from an article by Mr. H. U. Divatia, M.A., LL.B., in the Bombay *Political Reformer*:

> While it must be said to the credit of the British administrators of India in the 'sixties and 'eighties of the last century that they were sincere and eager to help the educated minority in their struggle to be free from what they believed to be unjustified social and religious trammels by permissive legislation, the same cannot be said of latter-day administrators who have betrayed an utter want of sympathy with the ideals of educated India and have shown themselves very reluctant to yield to the demands of educated



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Indians for further permissive measures, with the growth and change of public opinion. Witness, for example, the position of the government towards the Minor Girls Protection Bill of the Hon'ble Mr. M. B. Dadabhoy. With the growth of education and progressive ideals in the country, the demand of social reformers for permissive legislative measures is bound to be more frequent and insistent, and the government would certainly be ill-advised if its dislike towards the aspirations of educated India were allowed to come in the way of social reform legislation, about the necessity of which the intelligent classes of the people themselves are the best judges. There are many rules of the Hindu Law in the domain of marriage, inheritance, joint family, stridhan, guardianship, maintenance, &c., which are found to be antiquated and unsuitable to the present stage of Hindu society, and it is by means of state interference only that reforms in this direction can be achieved. The demand must, indeed, come from the educated classes, but the government should not adopt an indifferent attitude and bar the way of social progress. Some of the other demands for legislation on social reform questions are as follows: (1) Free and compulsory primary education as preparing, among other things, a ground for the promotion and spread of social reform schemes; (2) legislation for the protection of minor girls. A Hindu Marriage Act declaring the marriages between the different castes and sub-castes of Hindus permissible and legal; (3) raising the age of consent to 14 or, if possible, to 16 years. This list is not exhaustive, but it represents some of the principal and pressing problems of the day, and it is hoped that government will boldly encourage a policy of social progress and give effect to the articulate voice of educated India.

§ 8. Government is not really standing apart from the struggle between conservatism and reform in India. As things are, the dead weight of governmental inaction is left to rest in the scale of conservatism against reform. In practice government can only cease from this negative intervention by creating Indian electorates, and leaving their representatives to assume the burden of social reform; and this, I suggest, can be done in the most cautious way possible.

§ 9. A Nationalist leader asked me how the matter would work out under the proposals I am now making. And he pointed his question by suggesting an instance. There are, as he told me, a number of endowments left for specific purposes connected with temples. But no machinery exists for ascertaining whether the funds are actually applied to the purposes intended by the original donor. Under these circumstances, I suggested, the reformer would inaugurate a movement in favour of application by his State Government for powers to deal with the matter.

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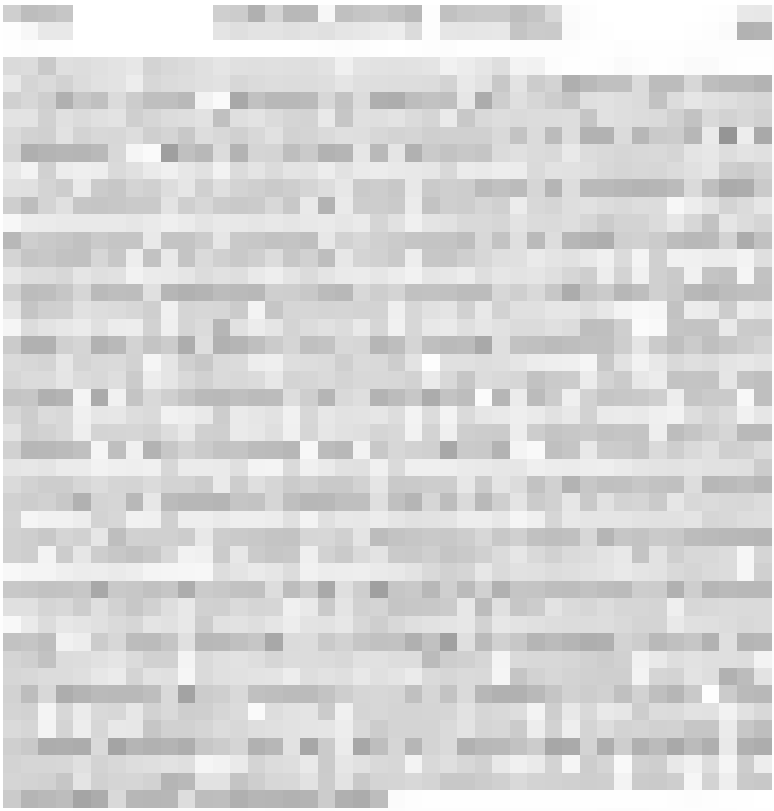
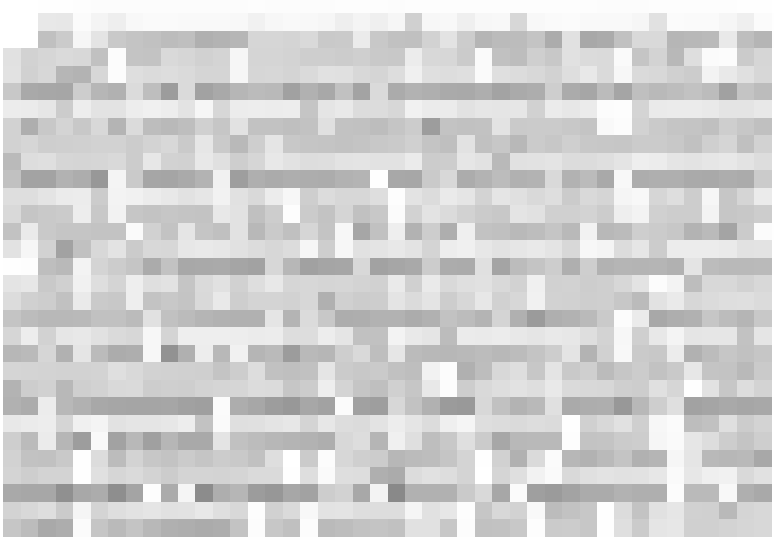
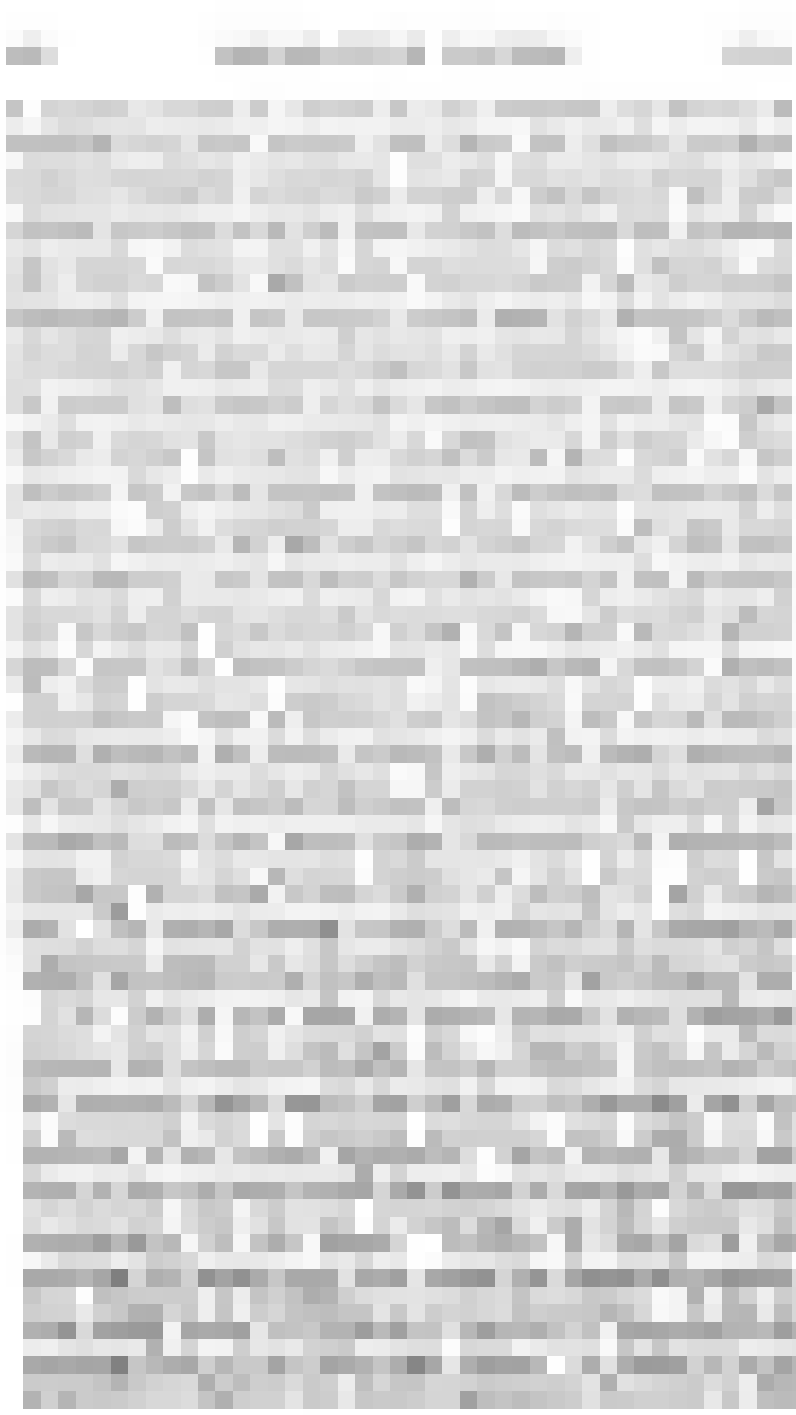




A motion would be moved in the assembly in favour of applying for such powers, and there the whole question would be publicly ventilated. If and when the motion was carried, ministers would then frame a petition to the provincial government in the form of an enabling Bill, defining the limits within which the assembly might legislate on the subject. The Bill would come before the provincial legislature, where the subject would again be discussed, and the Bill might then be referred to a committee. The State government would appear before the committee by counsel. So would the trustees of the endowments, and any other parties concerned to support or oppose the measure. Evidence would be taken on questions of fact, and, in the process, the whole subject would be elucidated from top to bottom. The committee would then report, giving their opinion whether the Bill should be passed; if so, with what amendments; and whether the other States of the province should be allowed to adopt its provisions. Upon this report the provincial government would act within their discretion, with the fullest possible information before them. The Bill would be negatived, or passed with or without amendment. But, if passed, the enabling Act would define with precision the limits within which the State assembly could legislate on the subject. It would then be the business of the courts to decide whether any measure passed by the assembly, and any action taken thereunder by ministers, came within the powers defined by the Act. But the enabling Act itself would effect no change in the social law. The actual change would be effected by subsequent legislation passed by the assembly, a representative body, within the limits of the powers provided by the enabling Act.

§ 10. Let us now take the more serious case instanced above, that of the marriage law. Suppose that a State applied for powers to legislate on the subject, opponents of the measure might argue that the law of marriage was not a provincial but a national question, and ought to be reserved to the Indian legislature. They could point with force to the confusion which has arisen in America, by reason of the fact that the law of marriage was left, under the constitution, to the States. Counsel in charge of the enabling Bill might reply that, under the American constitution, Congress is forbidden to touch the subject. It has no over-riding power of legislation whereby to harmonize the marriage laws of the forty-eight States. In India it is not proposed to deprive the central legislature of power to deal



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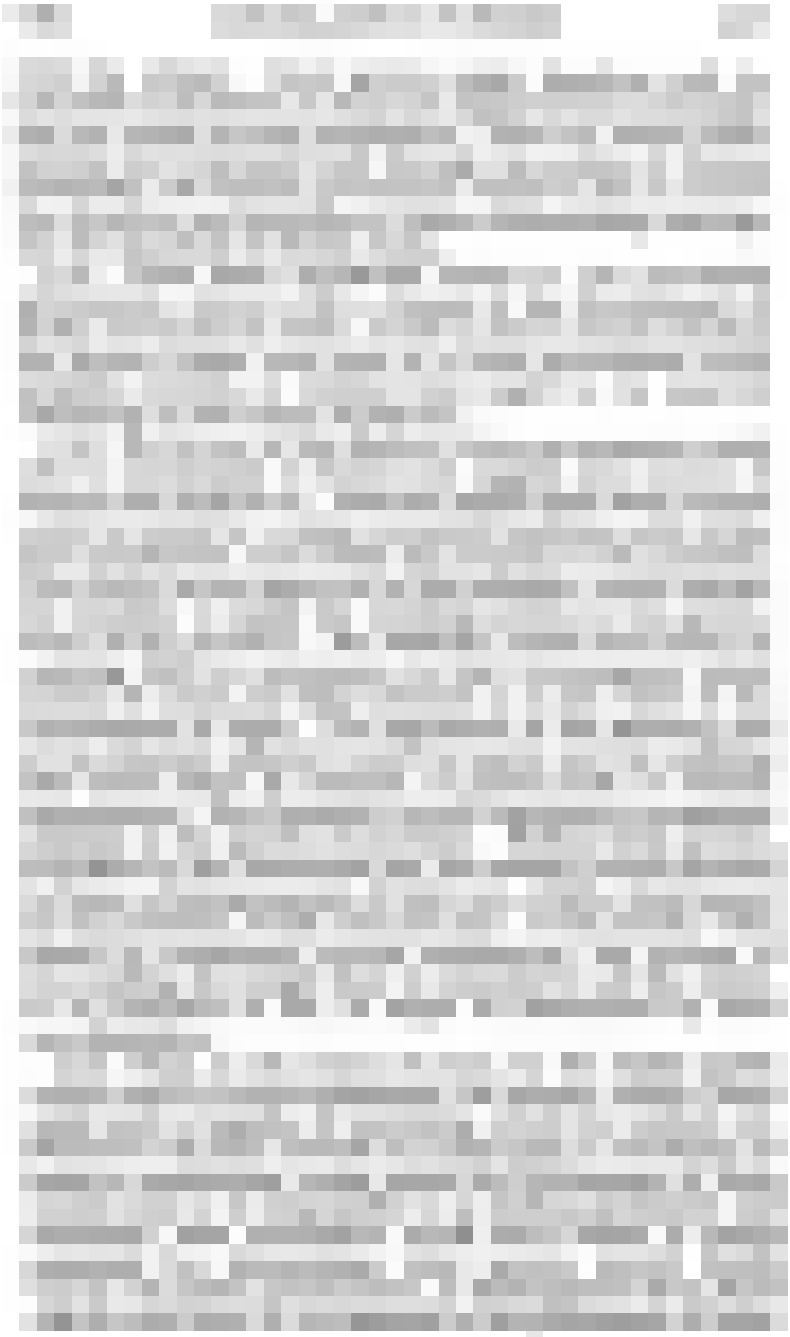
with the subject. Such powers might therefore well be conceded to the States, so that each might be free to liberalize the law within its own jurisdiction. Later on, when public opinion had expressed itself through the action of various assemblies, the central government would be free to review the situation, and introduce a statute harmonizing marriage law for the whole of British India.

§ 11. With these arguments before it, the provincial government, which is but a branch of the Government of India, and under its orders, would be able to decide whether the powers sought were such as a State government could properly exercise, or whether they ought to be reserved absolutely to the Indian legislature.

§ 12. By the use of this method, State governments could also be encouraged to devise and suggest new sources of revenue for themselves. Ministers might think that revenue could be raised by a stamp on patent medicines sold within their jurisdiction, and submit the proposal to the assembly. That body, having approved of the principle, would instruct the ministry to apply for enabling powers to the government of the province. The ministry would then frame an enabling Bill for submission to that Government, which would, of course, be fully informed as to the views of the Government of India. The arguments of the ministry and of the interests affected would be heard, and the enabling Bill would either be rejected, or passed with or without amendments. But if passed, it would constitute a permanent addition to the powers of the State. Within those powers, as defined by the Provincial Act, the ministry would proceed to frame a taxing measure of their own, which, when passed by the assembly, would come into law. If the results, when tested by experience, proved satisfactory, the powers of the enabling Act might then be extended to all the others, to be exercised or not, as might be determined by their own discretion.

§ 13. Thus, in the course of years, by the fullest public inquiry and by actual experiment, the powers, which a State needs and is capable of exercising, would be worked out. Whenever the time arrived for summoning a convention to frame a constitution, under which the Government of India would come to be responsible to an Indian parliament and electorate, that convention would have before it ample materials for determining what powers should finally vest in the State governments, as distinguished from those which would have to be reserved to the parliament of India.



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LETTER XVII

CO-RELATION OF PROVINCIAL AND STATE GOVERNMENTS

§ 1. The character and working of the new system proposed has now been outlined with sufficient clearness to enable us to consider what changes should also be made in the structure of the existing governments of the provinces.

§ 2. I take it, as a matter of course, that half the executive councils would be Indian. But these Indians, I would urge, should be promoted officials. The popular leaders will all be wanted for the State ministries, and the great corps of Indian officials should be encouraged by having these posts opened to them. In the terms of their appointment, I would make it emphatically clear that the Indian members of council hold office on exactly the same tenure as their colleagues, and are, like them, responsible to the Secretary of State. Each member of council, moreover, should have an alternate to take his place automatically in case of illness or absence.

§ 3. The governor, I suggest, should, if possible, be a man who has served as governor of a self-governing colony. One of the greatest difficulties to be faced in the transition stage is the absence of knowledge which exists amongst all classes in India of the meaning and practice of responsible government. It is vital that the heads of the old provinces, who will largely control the transition, should bring such experience from outside. Of experience in the technique of Indian government they will find an ample supply on the spot. But something ought also to be done to provide members of the Indian civil service with the experience which their present position denies them. The Imperial Government might with advantage arrange that, in future, the private secretaries of colonial governors should be seconded from the junior ranks of the Indian civil service. Such men would return to India with ideals other than those which their present training provides. It is not less important that in future colonial governors should be drawn from the senior members of the Indian civil service. They would thus get an actual experience of the working of responsible government, and could then be drafted back to act as the chief commissioners of States in India. The self-governing colonies would, I believe, if properly

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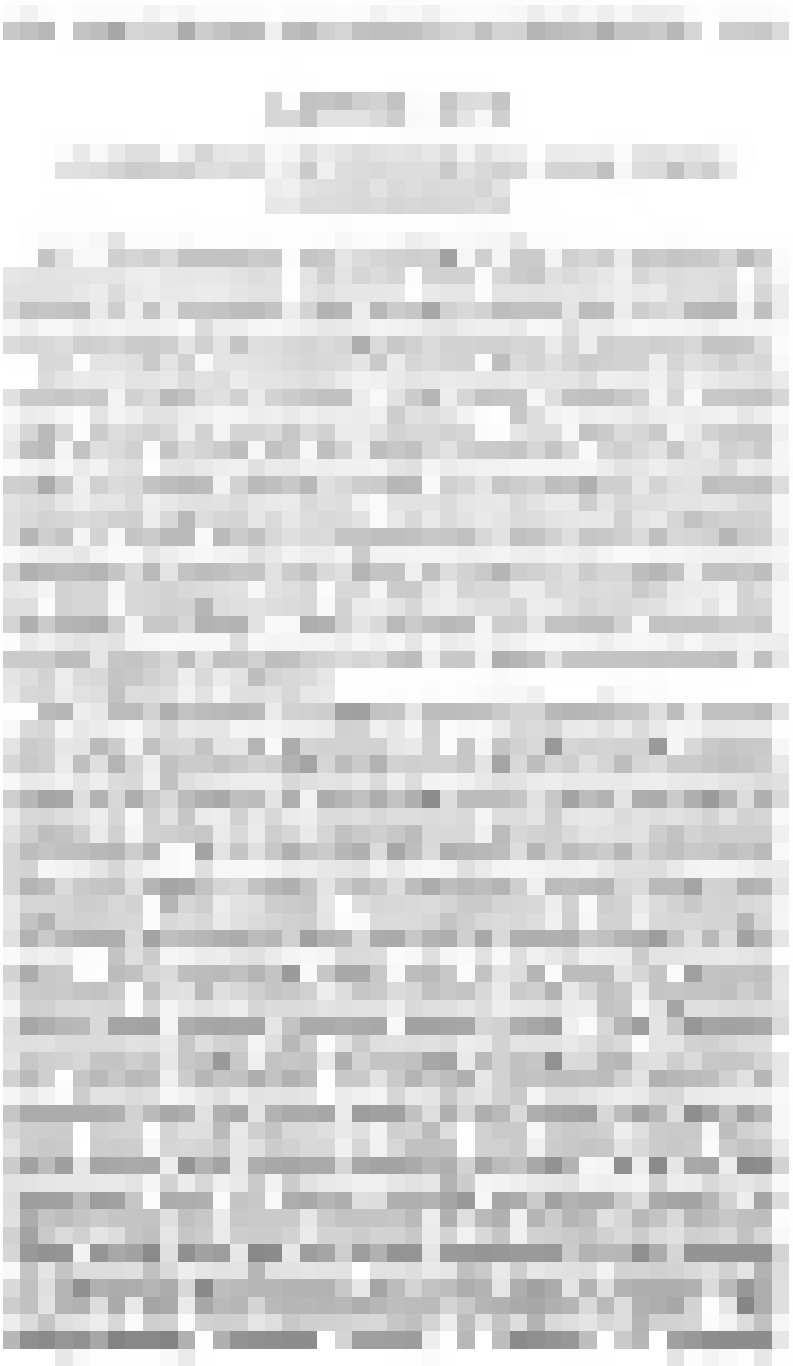
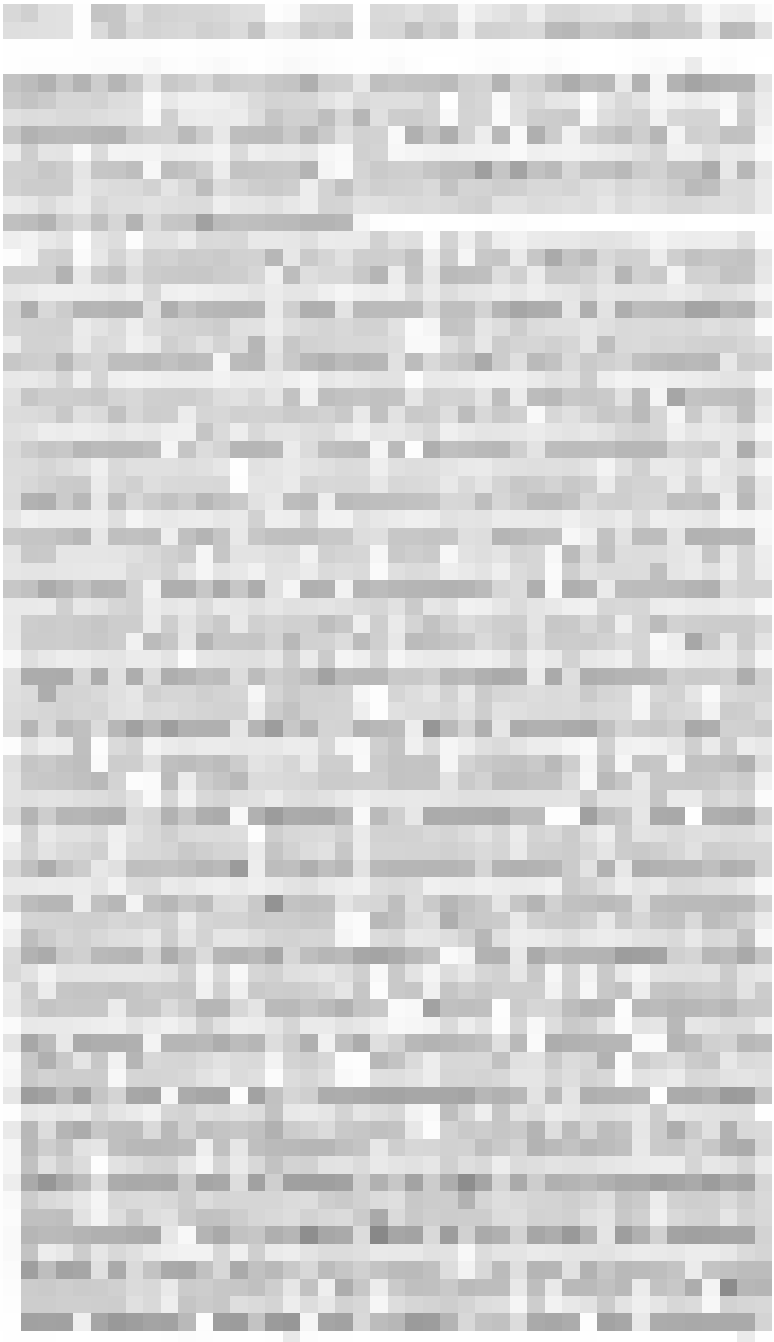


approached on the subject, welcome the chance of offering themselves as a training-ground for those who are to superintend the extension to India of the system under which they have thrived. The arrangement would help to create a new and better understanding between the different parts of the Commonwealth.

§ 4. In considering the reform of the legislative councils of the old provinces, it is well to hold in mind that, under the system proposed, they would be organs of government which are vanishing quantities. The present governments of the provinces will continue to exist only as trustees of residuary powers to be handed over as rapidly as possible to the elective governments of the States, or, finally, to the Government of India, when it becomes answerable to an Indian electorate. It would exist to maintain order in the period of transition, and whenever the States are ready to assume that basic function it would vanish. In the meantime it cannot be too clear that, in the discharge of its temporary functions, the government of the province is responsible to the Secretary of State, and has all the powers necessary for discharging the duties laid upon it. But in doing so it should be exposed as strongly as possible to the influence of Indian opinion. In all its executive acts, and in any legislation which it may find it necessary to pass, it should be exposed to the fullest criticisms of an Indian assembly. In order to meet these conditions, the governor-in-council should legislate by ordinance. But the draft of every ordinance, and the estimates in draft, should come before a provincial council composed mainly of delegations from the States, together with some non-official members appointed by government. The official voters would disappear from the council altogether. The government would be represented in debate by the members of the executive council and their alternates. Seven or eight spokesmen are amply sufficient for the conduct of debate. But the officials should not vote. The council should be free to discuss and pass any recommendations it chose, whether on matters of principle or detail. The final action of government, whether in legislation or in the allocation of public funds, would only be taken in the light of such recommendations; but the power of final decision would rest with the government. The enabling Bills of the States, for instance, would all come before the council; but government would nominate a majority on the committee to which such Bills were referred, leaving the council to elect the minority.



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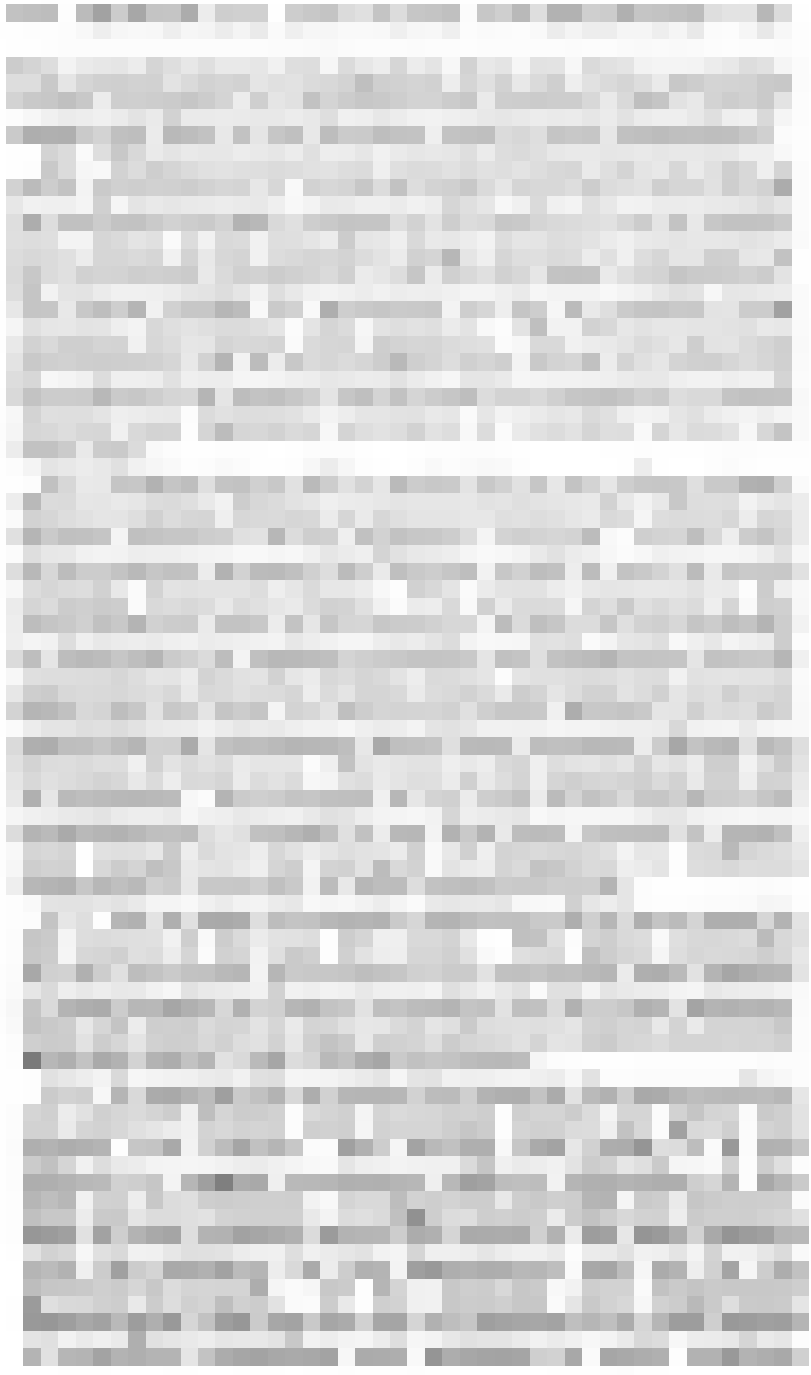
The council formed of delegations from the State assemblies would constitute an important link between their governments and that of the province, until it had disappeared.

§ 5. Whatever powers are conceded from time to time to State governments, I would strongly urge that they should be conceded outright, subject to the power of veto on legislation, which, in the transition stage, should be exercised by the provincial government, not by the chief commissioner. The latter should be protected, as far as possible, from occasions for friction with ministers. The Provincial State governments will be kept within their statutory powers by the action of the courts, which would be competent to decide whether any legislative provision or executive action was *ultra vires*.

§ 6. Friction there will be under this or any other scheme. There is serious friction at present between the official and elective members of the legislative councils. Under some of the schemes proposed the friction would be such as would certainly burst into flames. The scheme proposed in the Joint Address aims at developing a feeling of responsibility in electorates by making ministers and assemblies directly answerable to them for definite duties, and that this responsibility may be clear, as well as to reduce friction, it is proposed that the electorates should have separate officers and revenues of their own. But even so the separation will still be imperfect. Government is one, and all its functions are interconnected; though to say that they cannot be separated enough for the purpose of delegation to different authorities is contrary to facts before our eyes.

§ 7. Let us take an example which has often been raised in the course of the last few weeks. The police controlled by the provincial government are convinced that sedition is being taught in a school controlled by the State ministry. They ask ministers to take such action as is taken at present. Ministers refuse, and a deadlock occurs.

§ 8. In passing, let us notice that exactly the same position can arise if district and municipal boards are given real control over schools. But leaving that aside, it is not difficult to suggest provisions whereby difficulties of this kind can be overcome. It might be provided, for instance, that all such matters should be raised in the first instance with the ministry, by the department, and not by the governor-in-council. If the ministry and department cannot agree, then let the case be remitted to a joint session of executive councillors and ministers in equal numbers,



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sitting together as a board of conciliation, under the chairmanship of the governor, who should not vote or take sides unless called upon to do so as umpire. If the joint meeting fail to agree to an order, then let an order be made by the governor. The sovereign specific for friction is to have some machinery for settling questions. Open questions are open sores.

LETTER XVIII

FINANCE AND CONTROL

§ 1. As a scheme for developing responsible government, the success or failure of the plan suggested in the Joint Address, would, I believe, largely depend upon the procedure whereby the transfer of fresh powers and revenues to the State governments is to be effected. To start with, the States must have their full share of the revenues, that is to say, a share equivalent to what has been spent on the functions assigned them in past years, and this share must grow with the general growth of the provincial revenues. But the basic facts of Indian finance are these. For the last century the British Government has steadily reduced the proportion of unearned increment from land due to the public treasury. Hence the failure of that government to break down illiteracy in India. Crores and crores of rupees are necessary for that purpose, but they can only be raised by governments responsible to the people themselves. It is in facing that burden of self-taxation, and by no other means, that the people of India will achieve responsible government. The newspaper *Sanjiwani* raises its hands in horror at the proposal: 'This plan of leaving to Provincial (State) governments certain specific powers of taxation would make such governments unpopular.'[1] This is perfectly true, and many governments will perish in the process, until at length the electorates have learned that no ministers can remain responsible to them for discharging their orders except in so far as they make themselves responsible to ministers for discharging the cost. Responsibility is always two-edged. The whole virtue of the system is that it brings home the elementary lesson that men can only reap as they have sown: and that way lies the making of men. The pace at which India will travel towards the

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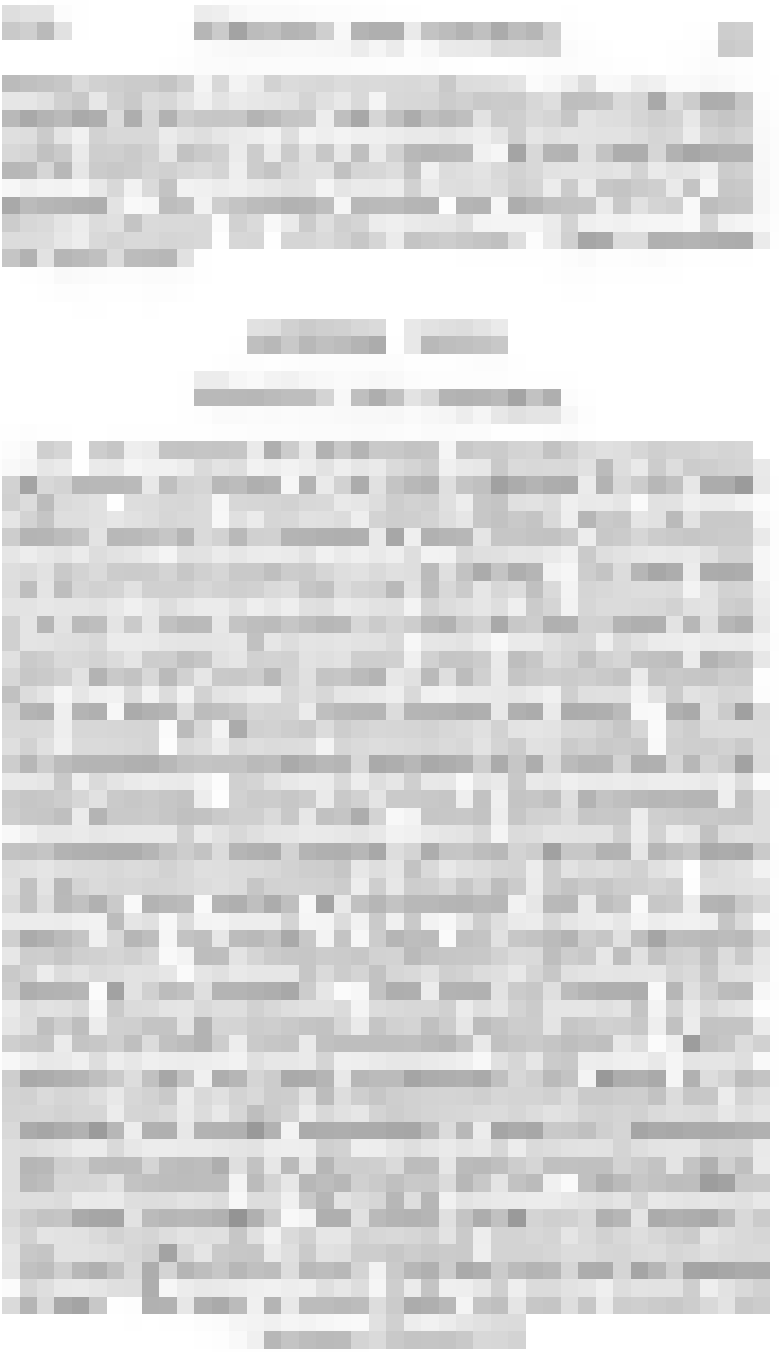
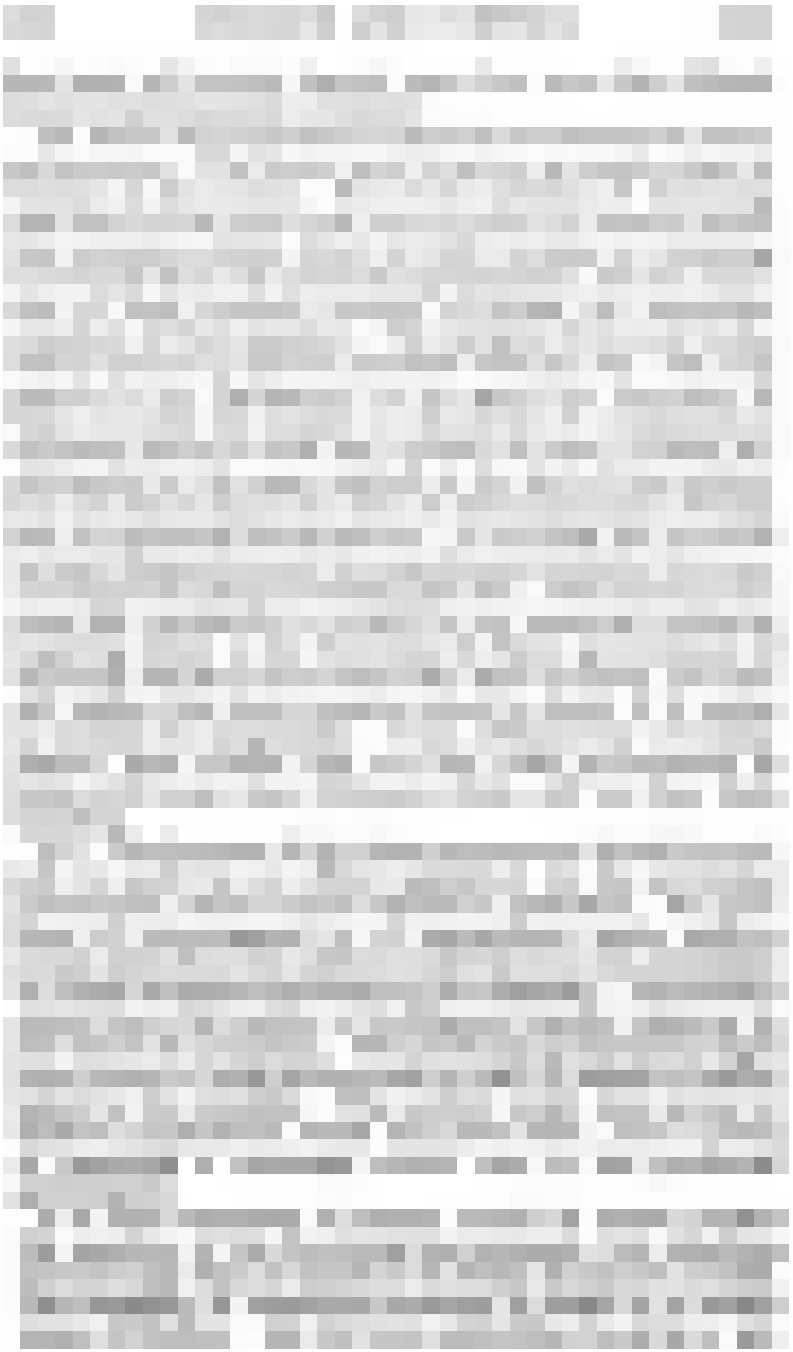


final goal will mainly depend upon how soon this difficult lesson of self-taxation is learned.

§ 2. Hence the importance of periodic settlements of standing revenues. The States must be given an ample share of revenue at the outset. But if the question of increasing that share is left open from year to year, it is human nature that ministers should direct all their energies to obtaining more funds from the provincial government, for the extension of their services, instead of facing the unpopular expedient of fresh taxation. The energies of the new bodies will be spent in a chronic squabble with the old. The only remedy is for Parliament, or its agent the Secretary of State, to settle the matter on the advice of commissioners reporting direct to itself for a period of years, revising the settlement by the same method at the end of that period. It is not fair to leave the onus on the Government of India and its provincial governments. In dividing the revenues between themselves and the popular governments they cannot escape the charge of loading the dice. But if every seven years the settlement is revised by an impartial authority reporting direct to the Secretary of State, governments of each type will then know what they have to spend, and each will realize that fresh taxation must be faced if it wishes to increase its programme. I say, without fear of contradiction, that neither this nor any other government in India will break down illiteracy which will not face fresh taxation.

§ 3. The finances of the State government should be subject to audit by an officer appointed by the provincial government, whose reports should be published. On questions of extravagance or of expenditure made without proper authority, the auditor would report to the committee of public accounts appointed by the assembly. The auditor should have full powers of holding an inquiry wherever he sees traces of corruption. The provincial government might have power to bring delinquents to trial, in default of action taken by the ministry. The auditor would have power to disallow expenditure which was *ultra vires*; but a power of remitting a surcharge should vest in the provincial government.

§ 4. The borrowing of money would of course require the sanction of the provincial government, but otherwise I would urge that all sanctions in detail should be avoided. The necessity of obtaining sanctions in detail is a certain cause of friction. Let the new authorities be given a per-



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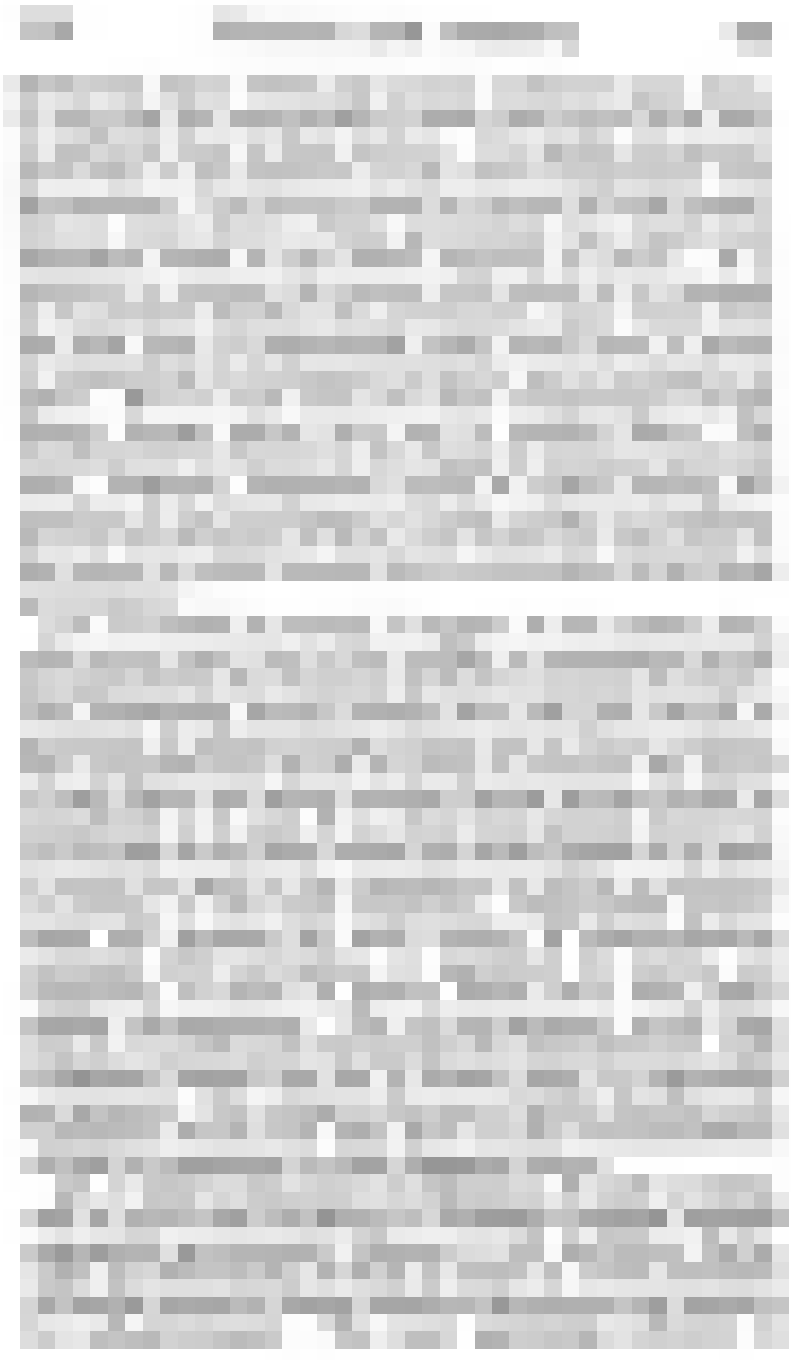
fectly free hand, within the powers conferred upon them, if only that the responsibility which rests upon them may be perfectly clear to their electors. For details, let government rely on the influence of the chief commissioner with his ministers. Let the one check be a power of total suspension in cases where a State government has clearly and absolutely failed in the duties imposed on them. If a ministry so misuses the powers with which it is charged as to produce disorder, the government, upon which rests the final duty of maintaining order, must have a power of suspending the delinquent authority and of acting in its place. But in such cases the chief commissioner should always change places with one in another State. He should never be exposed to the charge of aiming at personal rule. Summary suspension would of course require the sanction of the Government of India, subject to confirmation by the Secretary of State, and would only take place in the event of public disorder due to the action of the State government.

§ 5. It should be settled, I suggest, at the outset, that, after seven years' trial of the system, a commission should be appointed by the Secretary of State to examine its results. The commission should include men who had served as governors of self-governing colonies and of Crown colonies. The commissioners should be asked to examine the record of each State, and advise whether further powers should be transferred to it, and, if so, what those powers should be. In the case of any State which had utterly failed in its task, it would be open to the commission to advise a reduction of powers, or else total suspension. Responsible government will progress far more quickly if administrations saturated with corruption, or paralysed by inertia, are suspended, as those of Native States have been under similar circumstances. The old government would then step in, to purify and reinvigorate the administration, until conditions seemed ripe for a further essay in responsible government. But, except in the case of public disorder, such suspension should only take place on the recommendation of such a commission as that suggested above.

§ 6. I believe this power of suspension, if made a reality, will do more than anything to accelerate progress towards responsible government, because it will embolden Parliament and Secretaries of State to insist on a free extension of further powers to States which are showing a real capacity for self-government. The most paralysing influence in



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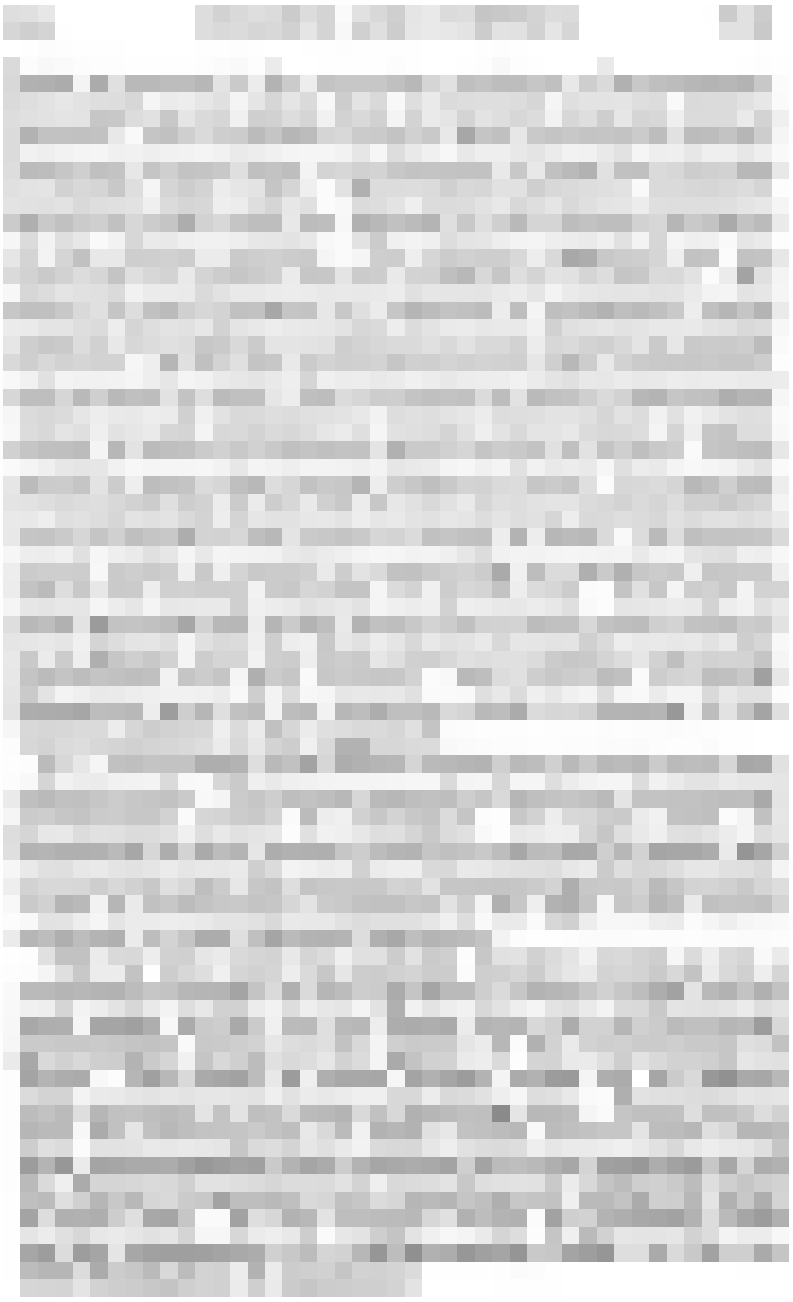
India at present is the conscious weakness of government. It is taken as an axiom that no forward step can ever be retraced. The inevitable result is that government shrinks from any forward step, or deliberates so long that the step is obsolete when taken. These timid advances, moreover, afford too little scope for latitude in the various provinces of this diverse country. The reforms suggested are too rigid and too uniform for the multifarious conditions. The secret of rapid progress is, wherever a community shows capacity for progress, to enable it to move forward as quickly as it can. To do this government must make experiments, and proceed by trial; but it is useless to talk of experiments, unless you are prepared to retreat where failure is ascertained, as well as to advance where success is proved. There would be more than twenty States in India. It is greatly to be hoped that at the end of seven years a marked addition could be made to the powers of many of them. No general unrest would be caused by suspending an egregious failure which was casting discredit on all the rest. And each of these governments would always have fresh prizes before it to be gained, until the final reward of complete responsible government had been reached. The principle of specific delegation gives all the elasticity which is wanting in the various schemes so far suggested.

§ 7. The powers of the States would thus be built up in two separate ways. The known executive functions of provincial governments would be scheduled. To begin with, an instalment of those powers would be entrusted to States, and every seven years the question of transferring further powers would be deliberately considered in the light of the record achieved by each electoral authority.

Side by side with this periodic transfer would go on a continuous transfer of new legislative powers, sought, as the need might be felt, by the States from the old provincial governments acting as the agents of the Government of India. The limits of those powers would all be defined with accuracy in the terms of enabling Acts. From time to time the Government of India would review these local Acts, and generalize their contents into laws applying to all the States, the general Acts repealing and taking the place of local Acts. In this manner would be gradually built up the constitution of a self-governing India, on the one solid foundation of experience.



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LETTER XIX

CONCLUSION

§ 1. In conclusion I desire to affirm once more the conviction which underlies the whole of these detailed suggestions. The backward and defective state of education in India is a reproach to the British administration which must be wiped out. An improvement and extension of teaching in all its branches is a vital necessity. But that of itself will not avail to prepare Indians for the task of responsible government. On the contrary, it will prove to be a danger and positive mischief, unless accompanied by a definite instalment of political responsibility. It is in the workshop of actual experience alone that electorates will acquire the art of self-government, however highly educated they may be.

§ 2. There must, I urge, be a devolution of definite powers on electorates. The officers of government must give every possible help and advice to the new authorities, for which those authorities may ask. They must act as their foster-mothers, not as their step-mothers. But if the new authorities are to learn the art of responsible government, they must be free from control from above. Not otherwise will they learn to feel themselves responsible to the electorates below. Nor will the electorates themselves learn that the remedy for their sufferings rests in their own hands. Suffering there will be, and it is only by suffering, self-inflicted and perhaps long endured, that a people will learn the faculty of self-help, and genuine electorates be brought into being. The control to which the district boards have been subject has, in my judgement, almost destroyed the benefit of the experiment inaugurated by Lord Ripon.

§ 3. I am proud to think that England has conferred immeasurable good on India by creating order and showing Indians what orderly government means. But this having been done, I do not believe the system can now be continued as it is, without positive damage to the character of the people. The burden of trusteeship must be transferred, piece by piece, from the shoulders of Englishmen to those of Indians in some sort able to bear it. Their strength and numbers must be developed. But that can only be done by the exercise of actual responsibility, steadily increased, as they can bear it. It cannot be done by any system

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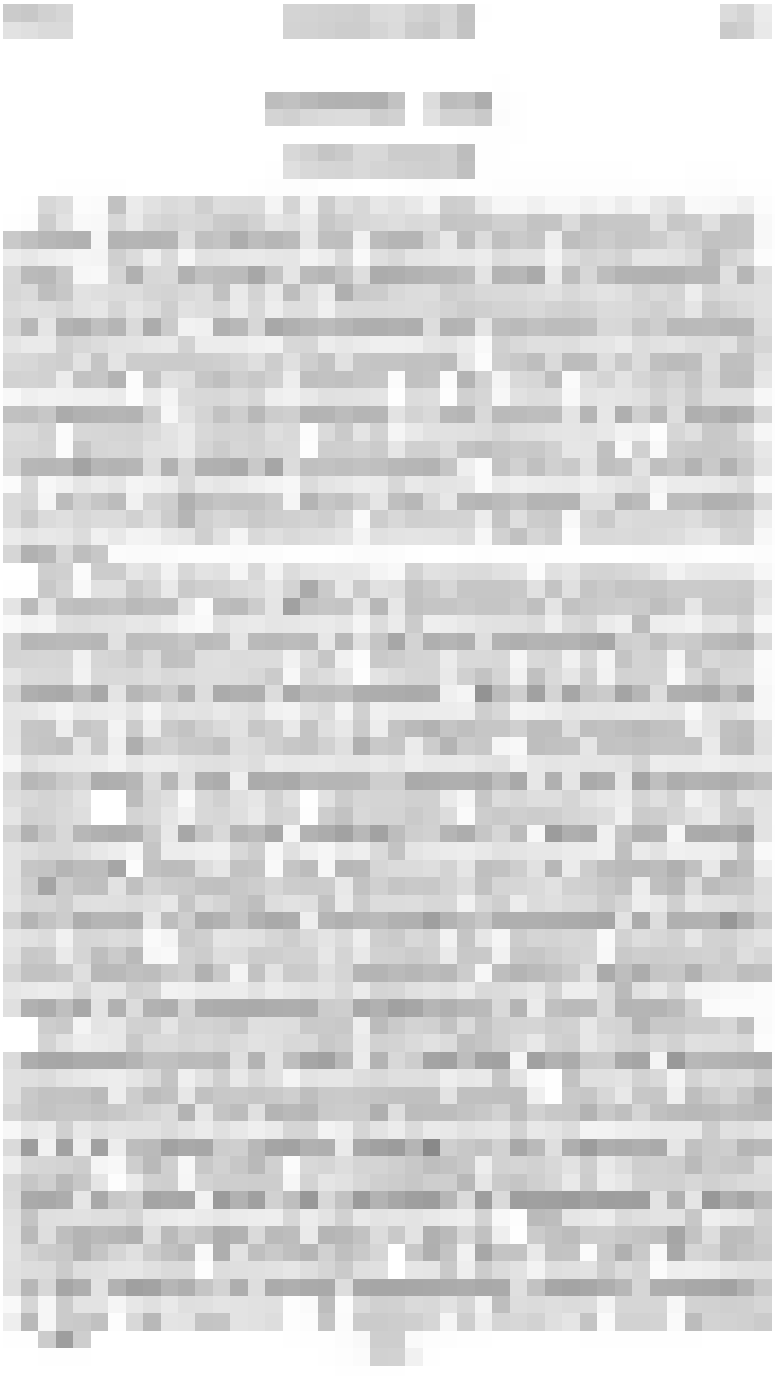

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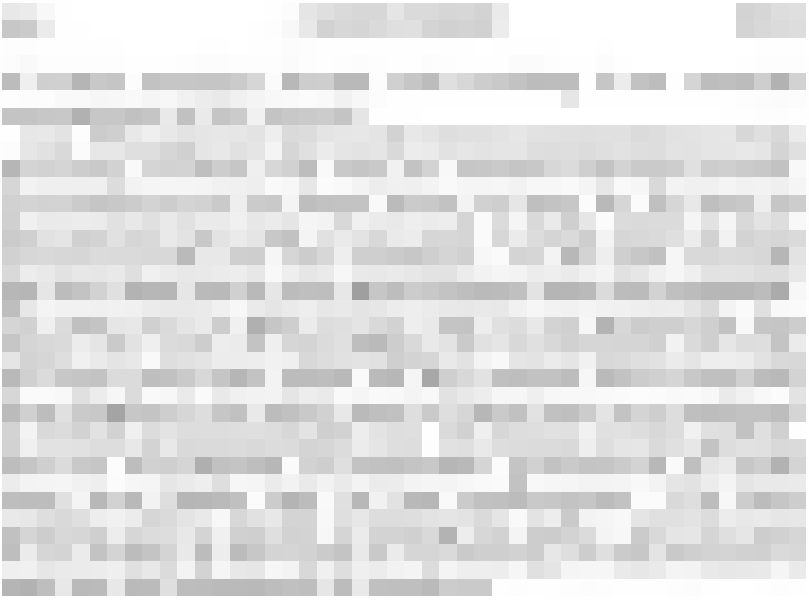
§ 4. The goal now set by the recent announcement of the Secretary of State will only be reached through trouble. Yet troublous as the times before us may be, we have at last reached that stage of our work in India which is truly consonant with our own traditions. In the past our task has been that which other great Empires have accomplished. We may well be glad to feel that in our generation has begun the work of remodelling the Government of India on those principles which all free nations have borrowed from England, and which most of them have now combined to defend at immeasurable cost. No human work is perfect, but the foundations of responsible government in India have been firmly laid by our predecessors. Yet finer qualities will be needed in raising the walls; and the task is one worthy of this epoch in our history, if only because it calls for the effacement of ourselves.



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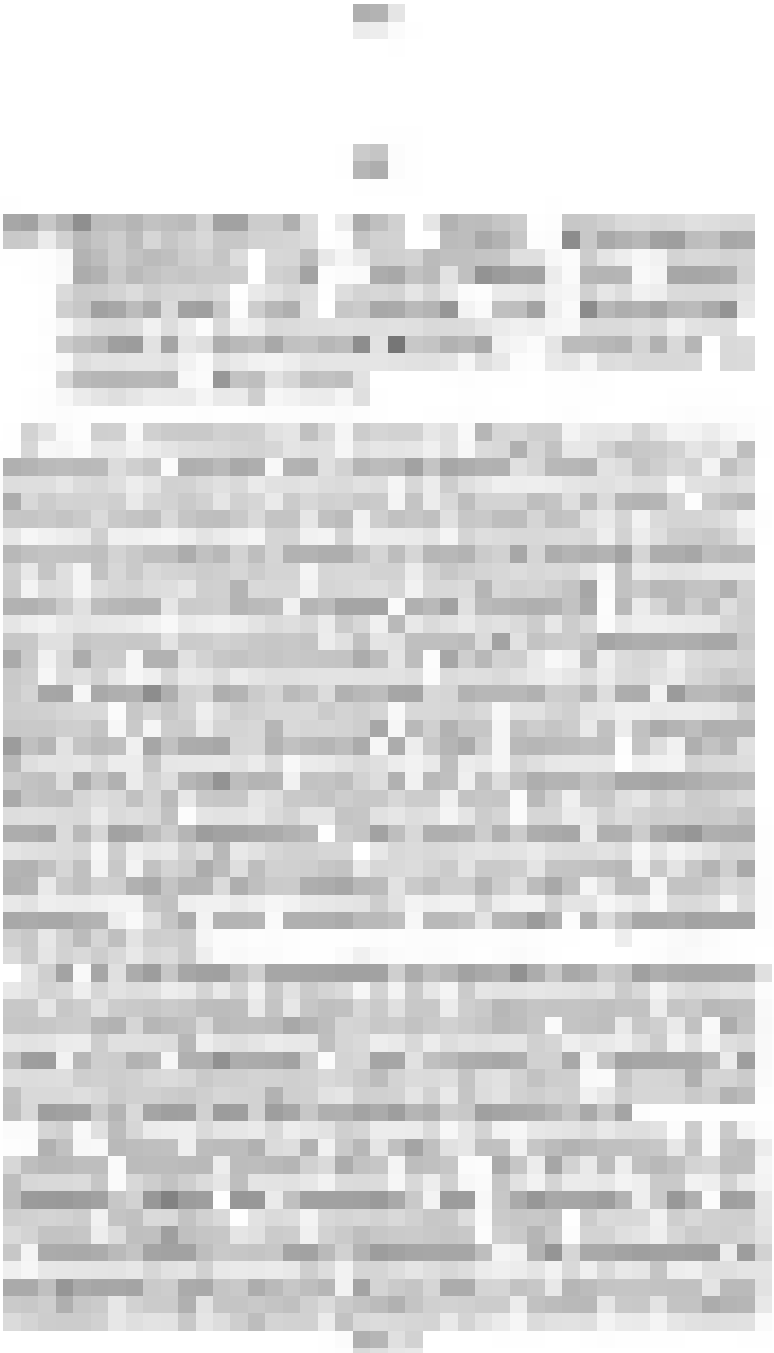
IX

INTRODUCTION TO THE ENGLISH EDITION OF 'LETTERS TO THE PEOPLE OF INDIA ON RESPONSIBLE GOVERNMENT.' (*Published in England, May 1918.*)

§ 1. In submitting this book to English readers it is necessary to explain the circumstances which led to its production while the Secretary of State was in India. For several years before the war I had undertaken, in conjunction with a number of friends, to study the mutual relations of the United Kingdom and the self-governing Dominions. Some results of these studies were published in 1916 in two volumes, one entitled *The Problem of the Commonwealth*, the other *The Commonwealth of Nations*. At the outset I had thought that the problem involved in the mutual relations of the self-governing peoples could be separated from the problem involved in their relations to India. The latter I imagined could be left to future generations. Further study soon convinced me that the two problems were, in fact, inseparable. They were, in truth, but different aspects of a single problem, so that any attempt to settle the one without first thinking out the other, was sure to miscarry. The war, moreover, was bound to precipitate the whole issue.

§ 2. It was clearly impossible to formulate any conclusions on the future place of India in the Commonwealth without some first-hand knowledge of the country, such as, in the case of the Dominions, I had obtained by residence in one of them and frequent visits to the others. Accordingly I came to India for that purpose in October 1916.

§ 3. When viewed on the spot, the complexity of the problem seemed greater than ever. So far as their own domestic affairs are concerned, the Dominions, like the United Kingdom, are communities which have reached a certain finality in their institutions. The mainspring of government rests once for all in their own electorates, and students of the Imperial problem have merely to consider



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§ 4. As Mr. Lovat Fraser observed, the information compiled, printed, and published by the Government of India is, perhaps, in proportion to its immense volume, the least illuminating in the world. To a great extent, therefore, the inquirer must gather his facts for himself. But as India contains an assortment of races who together include one-fifth of mankind, it is difficult to resist a feeling of despair, which grows at every step through the country. The conclusions of any one who cannot devote his whole life to the study may well be regarded with suspicion. And yet the place of India in the British Commonwealth is a necessary subject of inquiry. It cannot be determined by men whose knowledge is confined to India; and the point goes even deeper than that. Able men who have spent their lives in India not seldom advocate measures which show that they have lost touch with currents of opinion elsewhere, which are, after all, a dominant factor in the problem. The proposal to satisfy aspirations for self-government by dissolving British India into Native States is a case in point.

§ 5. An outsider who attempts to study the place of India in a world Commonwealth based on the principle of responsible government has therefore to do the best he can in the time at his disposal. The procedure I followed was one

how control of matters common to them all, of foreign affairs that is to say, and of matters inseparable therefrom, can be given to those electorates. With India it is otherwise. The mainspring of government still rests in the British electorate. It was clear to the writer that a time must come when the control of Indian affairs must be transferred from the people of the British Isles to those of India—that, indeed, a stage had already been reached when measures intended to lead to that end must be taken. India must begin to assume control of her own affairs, but could only do so by a series of steps. How long these steps would take experience alone could show, but this at least was clear, that India was entering upon a period of constitutional transition and that the adjustment of her place in the Commonwealth must somehow or other be made to keep pace with her progress. The question how Indians could be given a voice in the issues of peace and war, and in bearing the burdens inseparable therefrom, was closely bound up with the question how far and how quickly Indians could be brought to assume control of their own domestic affairs. The first could only be treated in the light of the second.

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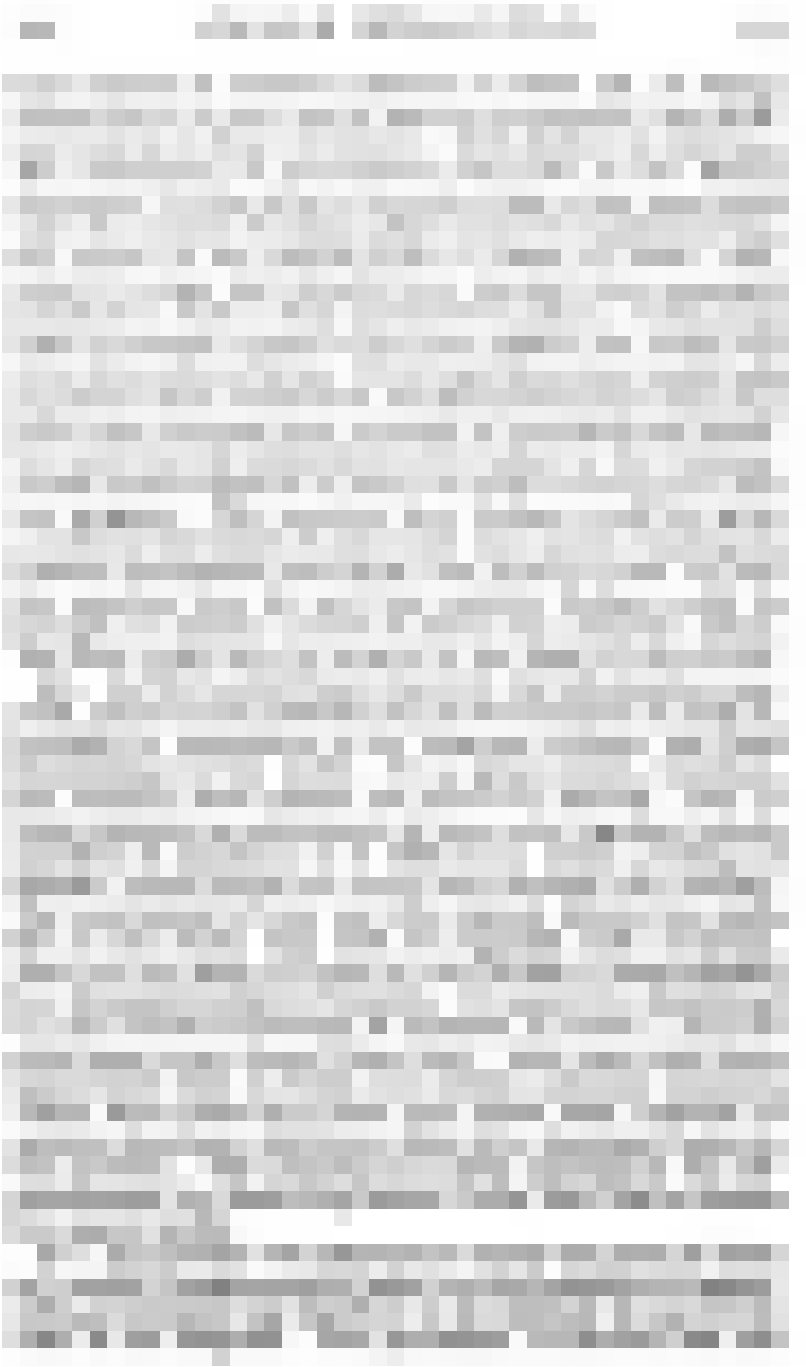
§ 5. An outsider who attempts to study the place of India in a world Commonwealth based on the principle of responsible government has therefore to do the best he can in the time at his disposal. The procedure I followed was one



tested by long experience. Facts and opinions were collected, not merely from documents, but at first hand from those who could speak with authority on the subject. The results were then reduced to a series of studies, which were printed and circulated to several hundred officials and non-officials, both Indian and European, including, of course, those who had furnished the information. The recipients were requested to examine the statements of fact and the inferences drawn from them, and to note their criticisms on the blank pages with which the printed studies were interleaved. In this way was collected a mass of material which has still to be sifted. In India the interest taken by the educated classes in constitutional questions is intense, and the private circulation of these studies led to so many demands for further copies that they had to be reprinted and published.

§ 6. Shortly after Mr. Montagu's arrival in India I happened to be in Bengal. An artillery duel was in progress between the leading papers on both sides, and a state of feeling had developed, especially in the student classes, which was causing anxiety. Discussion was, in fact, fast degenerating into a racial controversy, in the bitter irrelevancies of which the real issues were being lost and forgotten. On both sides there were cooler heads who felt that at a moment when the whole Commonwealth was fighting for its life, no pains should be spared to promote a calmer and more friendly atmosphere, and to recall public attention to the real merits of the questions upon which Mr. Montagu had come to India in search of light. With that end in view they conceived the idea of endeavouring to formulate proposals, for submission to the Secretary of State, to which Europeans and Indians could both subscribe. At this juncture they approached me on the ground that in my notes on Indian government they had seen suggested a line of advance upon which they felt that agreement might be found. My position as one unconnected with any section in India was another reason for inviting me to act as common broker.

§ 7. In reply to these overtures my first inquiry was whether my British and Indian friends were prepared to accept the policy announced by the Secretary of State on August 20 with its necessary implications. They were all prepared to accept this condition, and a few members of both races thus found themselves standing on common ground which, however wide, it was yet possible to narrow by a further discussion of details.

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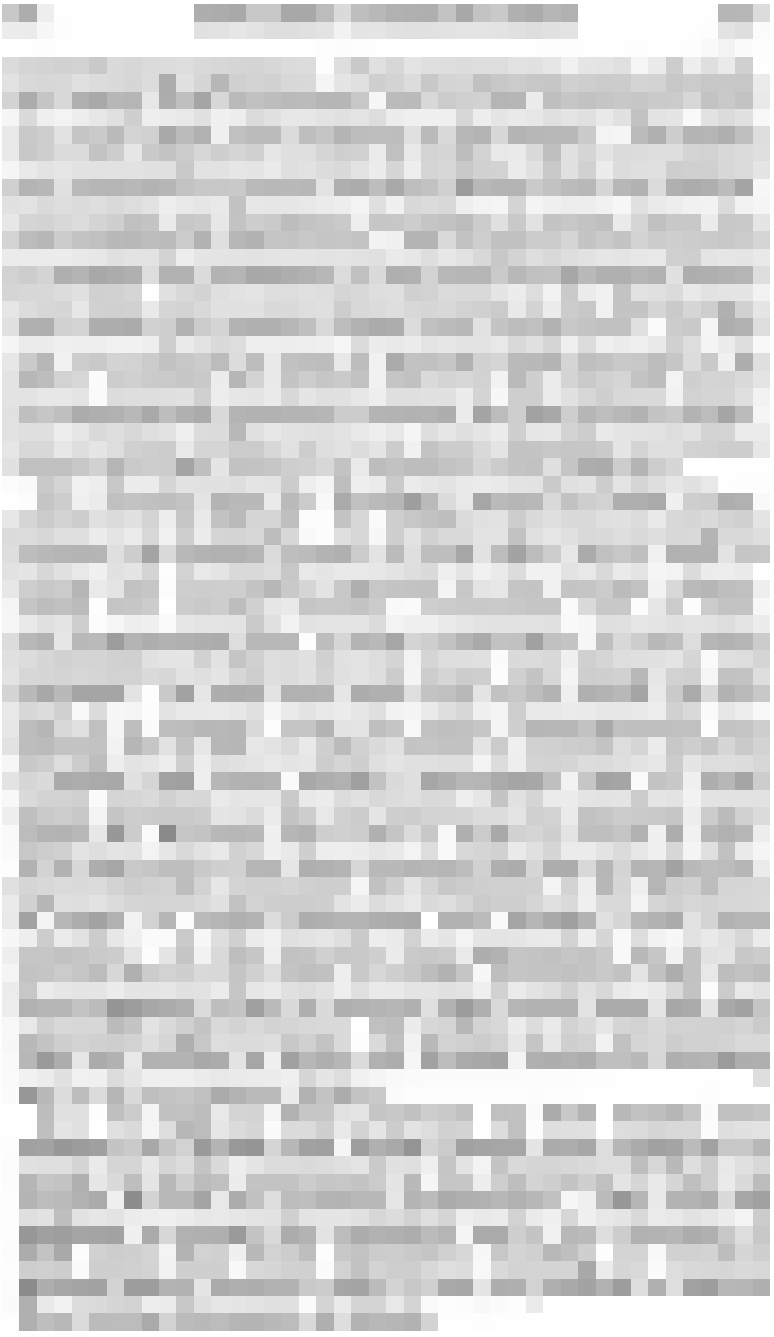

§ 8. A series of conferences followed, the results of which are now recorded in a document which has since been known as the Joint Address. The ground covered by any project of constitutional reform in India is immensely wide, and bristles with details upon which it would be hopeless to obtain agreement amongst more signatories than could sit round one small table. It was decided, therefore, that while the whole project should be issued for public discussion, the agreement of the signatories should be limited to twelve specific points, distinguished by black type in the body of the document, and finally printed together at the end. It is necessary to add that on several important points my own personal views were not accepted. None the less I would have signed the document as it stands had I been qualified by residence in India to do so.

§ 9. The Address was published in November and at once evoked a storm of criticism from opposite quarters. This was fully foreseen by those who signed it. The Anglo-Indian press were scarcely prepared for frank acceptance of a policy which not only recognized responsible government as the goal, but contemplated a substantial step towards it in the immediate future. By the Nationalist press the pronouncement of August 20 had been hailed as the dawn of a new era. They were deeply committed, however, to a scheme published long before the pronouncement was framed, and were slow to realize that their own programme was not in harmony with the lines laid down on August 20. The goal of responsible government was gladly accepted. But not so the provision that it must be approached by successive steps, and that the Imperial Government alone must judge how and when such steps were to be taken. The authors of the Joint Address had the advantage of working with the terms of the pronouncement before them; but just because their proposals were drawn within those terms, they could scarcely hope for acceptance by those committed to positions or programmes before the pronouncement was made. They appeared, as it were, in no man's land, and so drew the fire of both sides. But this was all to the good, as the combatants, diverted to a common target, had fewer missiles for each other; and the union of some Europeans and Indians to assert the claims of a common duty to be held paramount to that which they owed to their respective races was a fact which no criticism could destroy.

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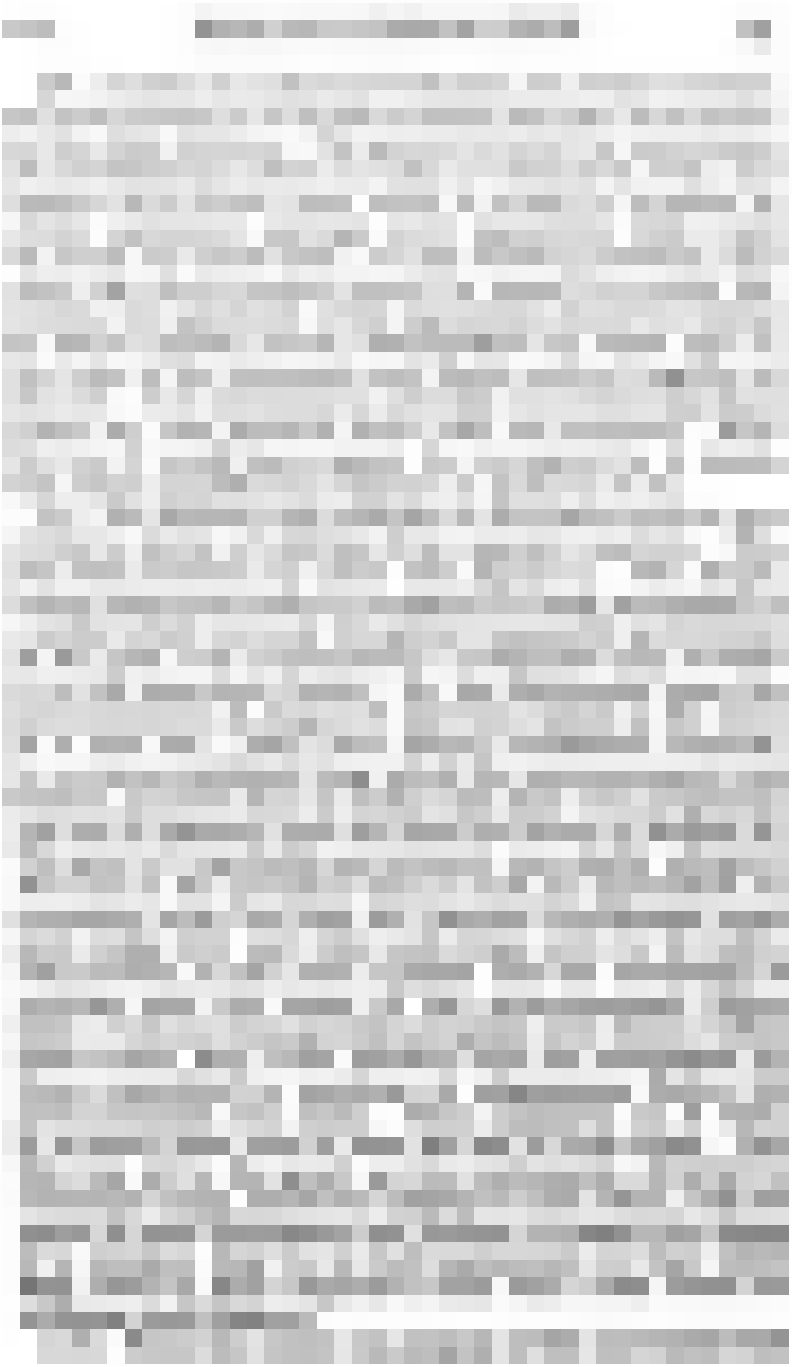

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§ 11. The momentous issues now before the Secretary of State will shortly be transferred to England for decision, for which reason it is desirable that these papers should be published here. They are printed as they were written in India, with some slight correction of blemishes due to the haste with which they were first produced.

§ 12. Before glancing at the letters English readers are advised to study the Congress–League scheme and the Joint Address. I have no reason whatever to suppose that the latter is destined to form the basis of any scheme which Parliament will be asked to adopt. My object in publishing these papers in England is that they may help those upon whom rests the grave responsibility of making the final decision, to a better understanding of the principles involved. For there are principles involved in the structure of governments. It is sometimes hard to remember that our bodies obey the same laws as an engine, because muscle and sinew are more elastic than steel. Human nature is infinitely more elastic. But still it works in obedience to principles which assert themselves in the end and bring to naught schemes which ignore them. There are men who cannot work institutions in themselves perfectly sound. And history proves that there are schemes of government so unsound that they will not work, even in the hands of men the most capable of freedom that the world has produced.

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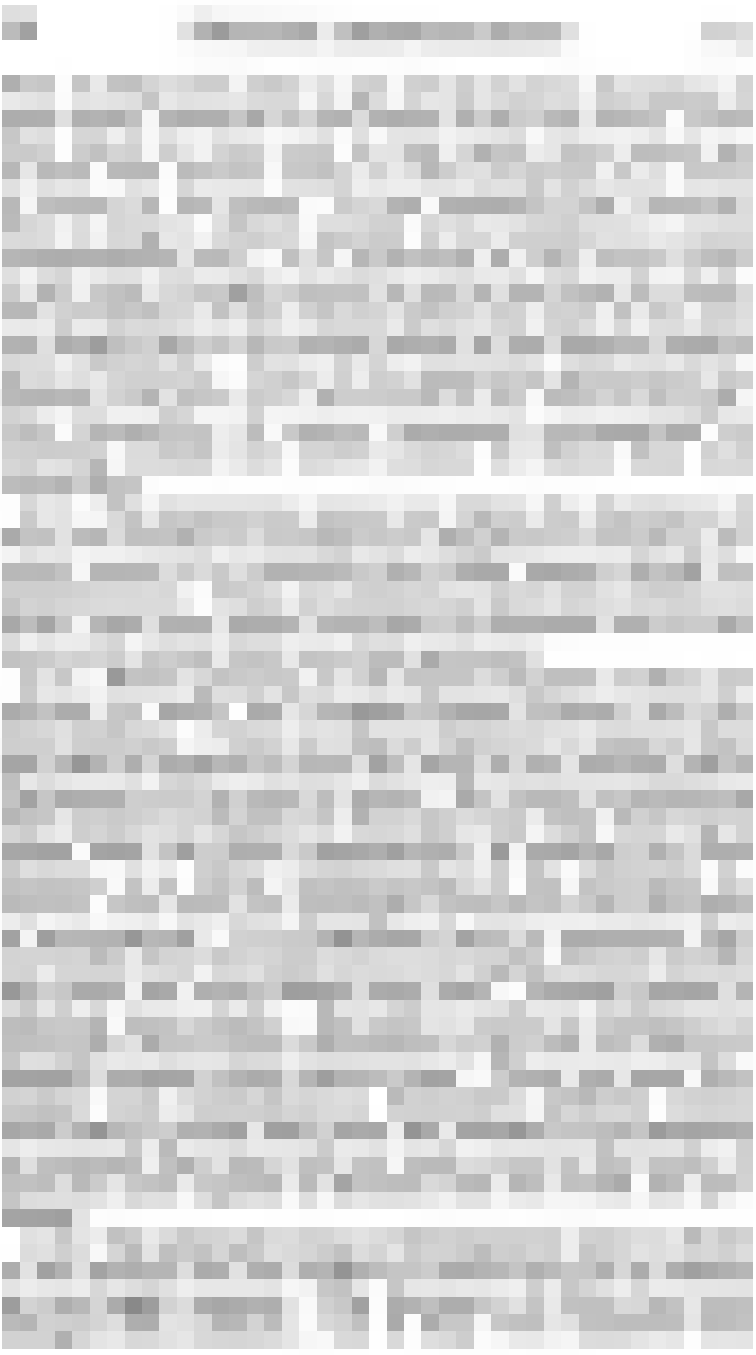

would be found to be based on either or both of the two principles which underlie the Congress–League scheme on the one hand and the Joint Address on the other; and each of these principles has a quality of its own. The one is rigid, the other is highly elastic. The Minto–Morley principle, carried to its practical conclusion, of necessity results in something closely resembling the Congress–League scheme. The Joint Address is but one way of applying the principle of specific devolution. A dozen draftsmen working on that principle might produce as many different plans for giving effect to it. These particular proposals are not submitted as offering the one key to the problem, but only because a principle of government cannot be clearly explained, nor thoroughly tested by discussion, until it is expressed in some scheme and developed in considerable detail.

§ 14. In the throes of a struggle for all that makes life worth living, the British people may well ask whether they can reasonably be called upon to consider and dispose of questions like these. And when peace is signed they may pardonably feel that the social problems of those who have borne the brunt of the struggle, have endured hunger and cold, have looked famine in the face, and have devoted their blood without measure, have still the prior claim. The naked truth is that the machinery of our institutions has long been unequal to the needs of the United Kingdom, entangled as they are with those of a Commonwealth of nations which cover a quarter of the globe. A single cabinet and parliament are expected to deal with them all. On the wharves of Westminster heaps of outstanding questions have gathered. Matters of moment lie buried and forgotten in the piles. The wheels of government would labour less if only it could deal with things before they had become intractable to treatment. For years we have all been absorbed in the tactical problems of politics. Strategic aspects have been ignored. We have gone on asking how this and that should be done, while forgetting to ask whether the existing machinery was adequate to the doing. It cannot keep pace with the claims made on it. This particular problem is a case in point. Had the pronouncement of August 20, 1917, been made two years before, coupled with a statement that the matter must rest there till after the war, the movement which compelled a visit to India by the Secretary of State in the crisis of a desperate war would never have come to a head.

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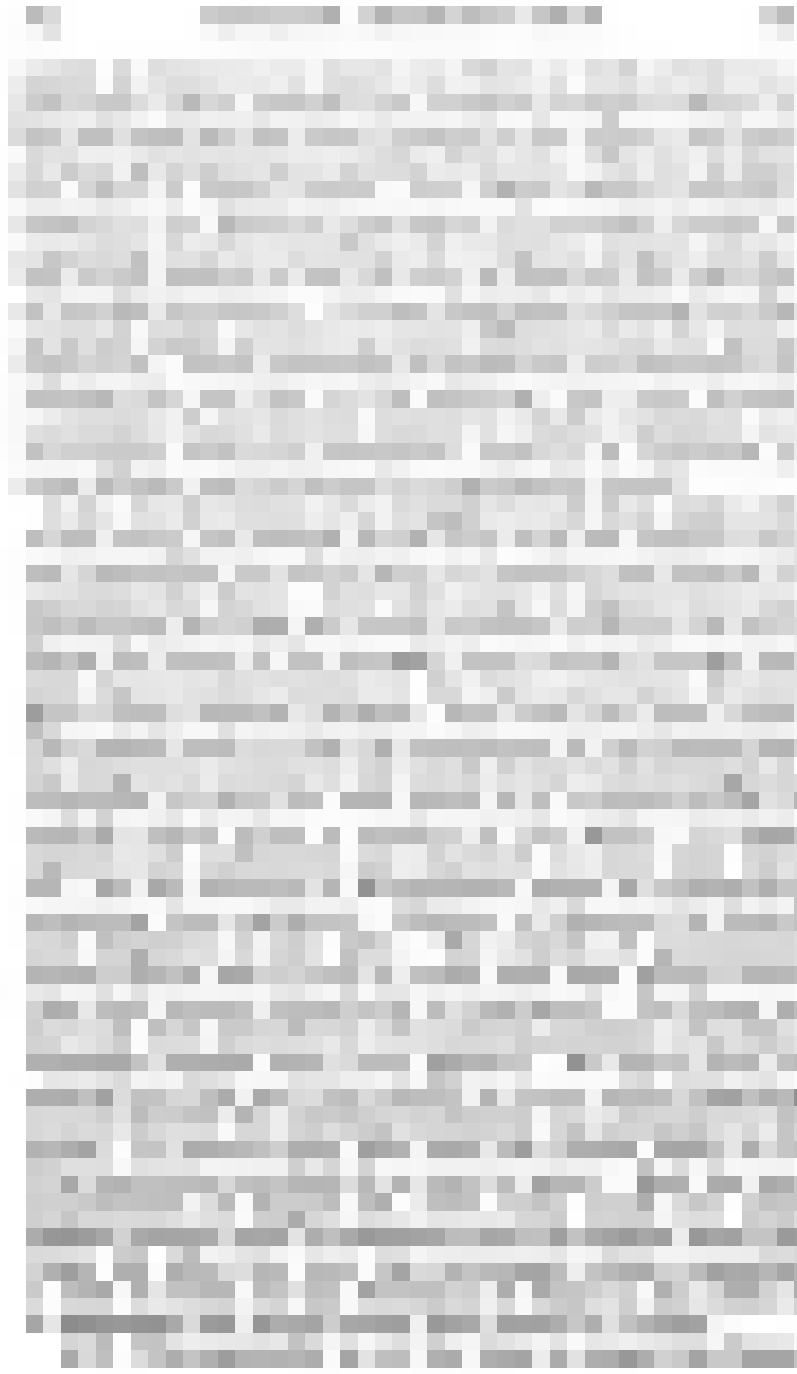

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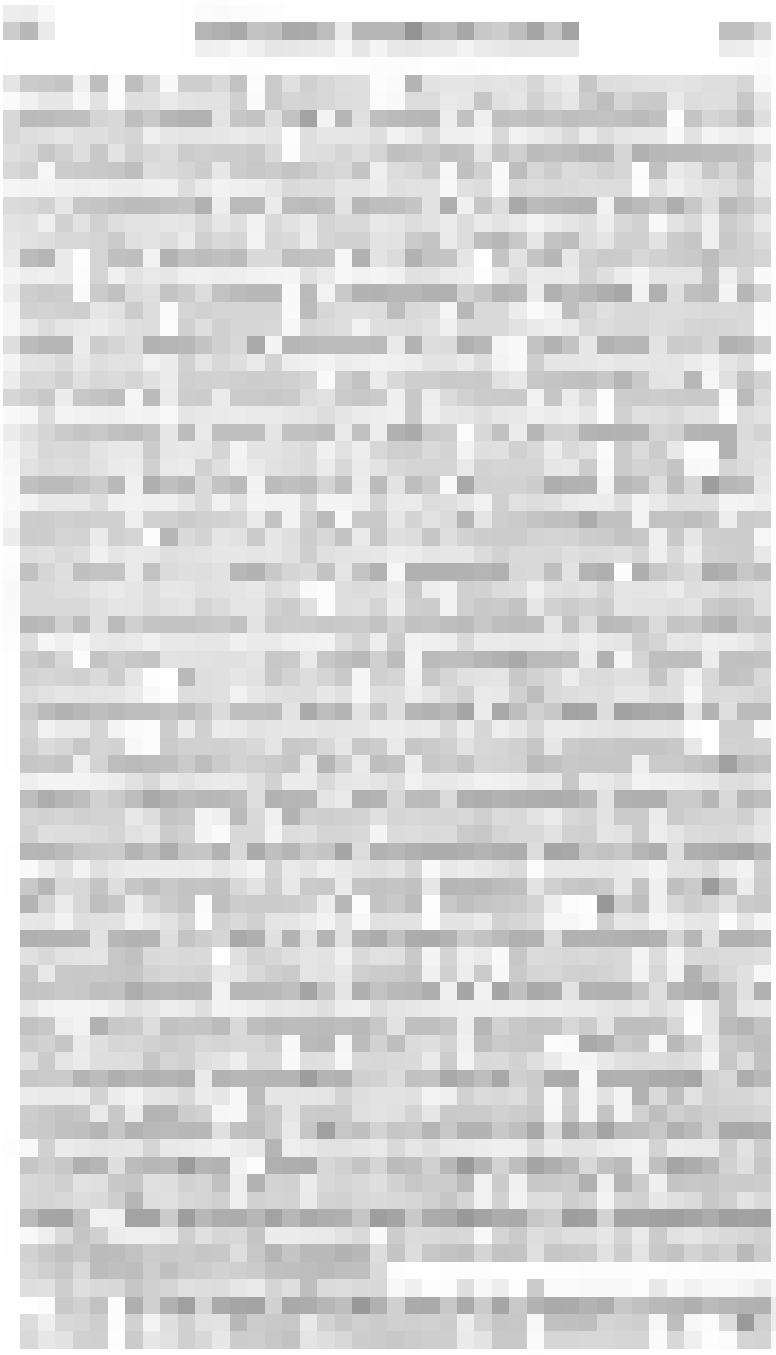

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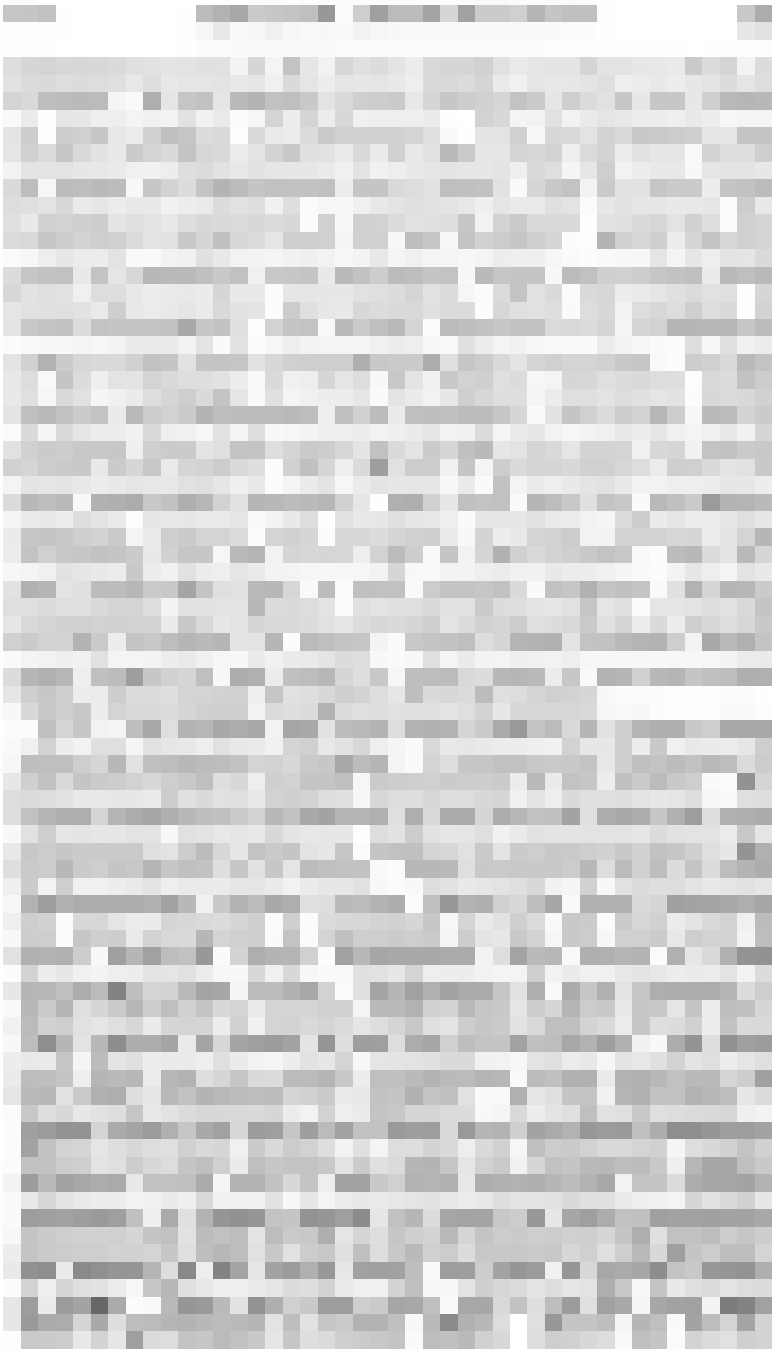

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§ 18. With these conditions before them there are certain questions by which Parliament and public opinion will do well to test the details of any plan proposed for acceptance. If, as the Pronouncement asserts, the responsibilities of government cannot be transferred to Indian electorates all together, at one stroke, they must be transferred by instalments. Now when any transfer is proposed the first necessary question is whether it is a genuine transfer. Are real responsibilities to be handed over, and to whom? Do the functions transferred carry with them the powers necessary to discharge them? Is it clear that responsibility for the things transferred rests on the electorate and those they elect? Above all, are the arrangements such as admit of electoral government at all? Those who have the patience to read these papers will better appreciate the meaning of such questions.

§ 19. You have promised to apply a new motive power to Indian government. Can you do so without changing the plan of the mechanism or of the chambers in which it is housed? India desires new wine—and rightly. But she thinks to keep it in the old bottles. Can you give her that wine without the vessels to hold it?

§ 20. This people for whom you are the trustees are a fifth part of the whole human race. You have promised to hand over that trust, piece by piece, as you can, to Indians able to accept it. Your task is to find such Indians; but that you will never do, if you wait until you see electorates which are fully and all at once capable of the trust. Did the middle classes in England show themselves fully capable of the trust they owed to the unenfranchised masses? You must have the nerve to see Indian electorates hurt others—the helpless, as well as themselves. It is the only way in which the spirit of trusteeship can be called into being and made to grow. To that end you must give the largest

a Committee be charged to report whether the plan proposed for adoption is really conceived in the spirit of the reference under which it was framed. In unequivocal words it proposes responsible government as the goal of Indian policy. This goal it says can only be achieved by steps. But the first of those steps it provides shall be taken as soon as may be. Of the nature of these steps, and of the pace at which they can follow each other, the Imperial Government and the Government of India are to judge, and this the Parliament to which both are accountable can alone determine from time to time.

§ 18. With these conditions before them there are certain questions by which Parliament and public opinion will do well to test the details of any plan proposed for acceptance. If, as the Pronouncement asserts, the responsibilities of government cannot be transferred to Indian electorates all together, at one stroke, they must be transferred by instalments. Now when any transfer is proposed the first necessary question is whether it is a genuine transfer. Are real responsibilities to be handed over, and to whom? Do the functions transferred carry with them the powers necessary to discharge them? Is it clear that responsibility for the things transferred rests on the electorate and those they elect? Above all, are the arrangements such as admit of electoral government at all? Those who have the patience to read these papers will better appreciate the meaning of such questions.

§ 19. You have promised to apply a new motive power to Indian government. Can you do so without changing the plan of the mechanism or of the chambers in which it is housed? India desires new wine—and rightly. But she thinks to keep it in the old bottles. Can you give her that wine without the vessels to hold it?

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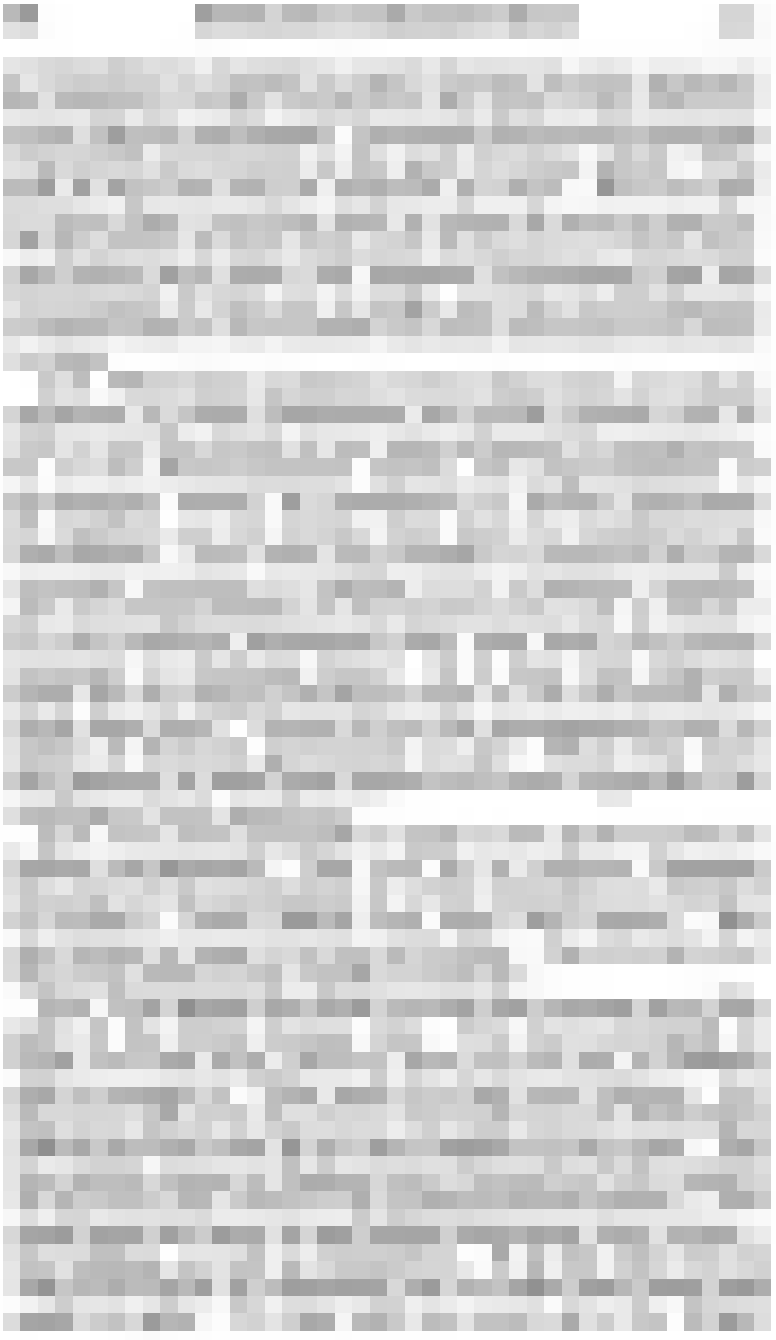
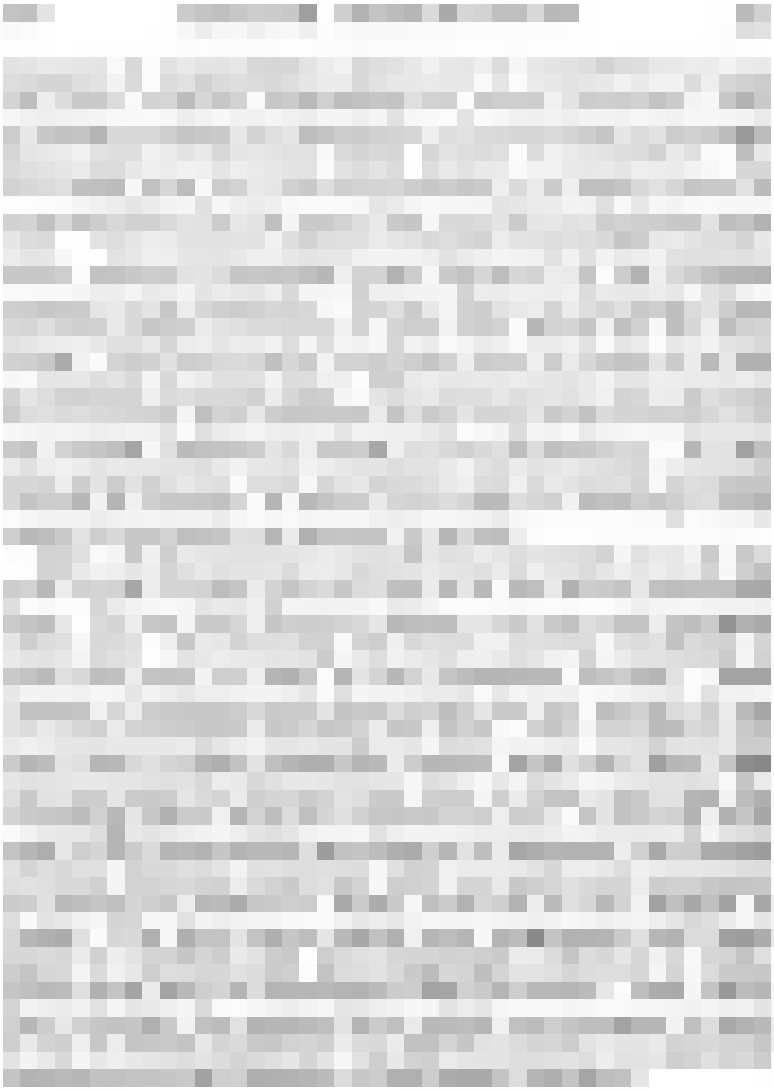


measure of responsibility which can be transferred at any one time, without imperilling the whole structure. But in doing so realize the importance of continuing to discharge those parts of the trust which remain to yourselves. Do not think that you can help Indians to a higher sense of responsibility if at the same time you fail to discharge your own. You cannot advance towards responsible government without entrusting some interests of the helpless peasant to his landlords. But see that you discharge those interests which you keep in your own hands for the time being. The best service you have done to India is to set a standard of public duty. The worst service you can now do is to lower that standard at the very moment when you are asking Indians to adopt it for themselves. In any plan proposed for your acceptance one inexorable question should be whether it allows you really to discharge those parts of the trust you purport to retain.

§ 21. At last you have named the port which is to be the goal of the voyage, but the way to it lies across uncharted seas. To use Lord Morley's phrase, you can only navigate those seas 'by throwing the lead', and by readiness to turn this way or that as the soundings dictate. Then beware of promises and plans which do not permit of you or your successors throwing the lead. One condition you may with a clear conscience ordain from the first—that the lead shall be thrown from time to time, and that the soundings taken shall be reported to you. Until the final port of full responsible government is attained, the burden of those decisions must rest with you and your successors. It cannot be shifted to India, still less to the English in India. The facts upon which your judgements are based must be carefully and also impartially collected in India. They must also be thoroughly sifted at home. Ask, therefore, whether the system upon which you propose to start is one in which experience can still be used by you and your successors as the criterion of all further advance.



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LETTER TO 'THE TIMES'

URGING THE IMMEDIATE APPOINTMENT OF THE FRANCHISE AND FUNCTIONS COMMITTEES

July 22, 1918

§ 1. The Master of Balliol does well to remind us that we also have pledges which may be reduced to 'scraps of paper'. By neglect to examine our engagements we may sap the foundations of British credit, not merely in India, but also wherever the conference is held which must sooner or later end this war. On the merits of the Montagu–Chelmsford report I have nothing to say, nor yet on the attacks directed against it. The arguments to which I would call your attention are those whose real objective is not the proposals of the Viceroy or Secretary of State so much as the instructions of the Imperial Government under which they were framed. Those instructions are contained in the pronouncement of August 20 last, which declares 'the policy of his Majesty's Government, with which the Government of India are in complete accord'. Attempts are now being made to treat this pronouncement as representing the views of no one but Mr. Montagu himself, and as one to which Parliament is uncommitted.

§ 2. The position of the Government in this matter is settled beyond dispute by the words quoted above. But attempts are being made to minimize their effect by creating the idea that the pronouncement was furbished up by Mr. Montagu to justify a speech he had made before assuming office, and was foisted on a Government too busy with the war to know what they were doing. But what are the facts? In December 1916 the Indian National Congress and All-India Muslim League had demanded some statement on the subject. As British statesmen had constantly declared, the whole Commonwealth was fighting to vindicate the cause of self-government. They pointed with pride to the part that India herself was taking in the struggle, and we cannot complain that Nationalist leaders should have asked us to say whether we recognized this principle as the goal of

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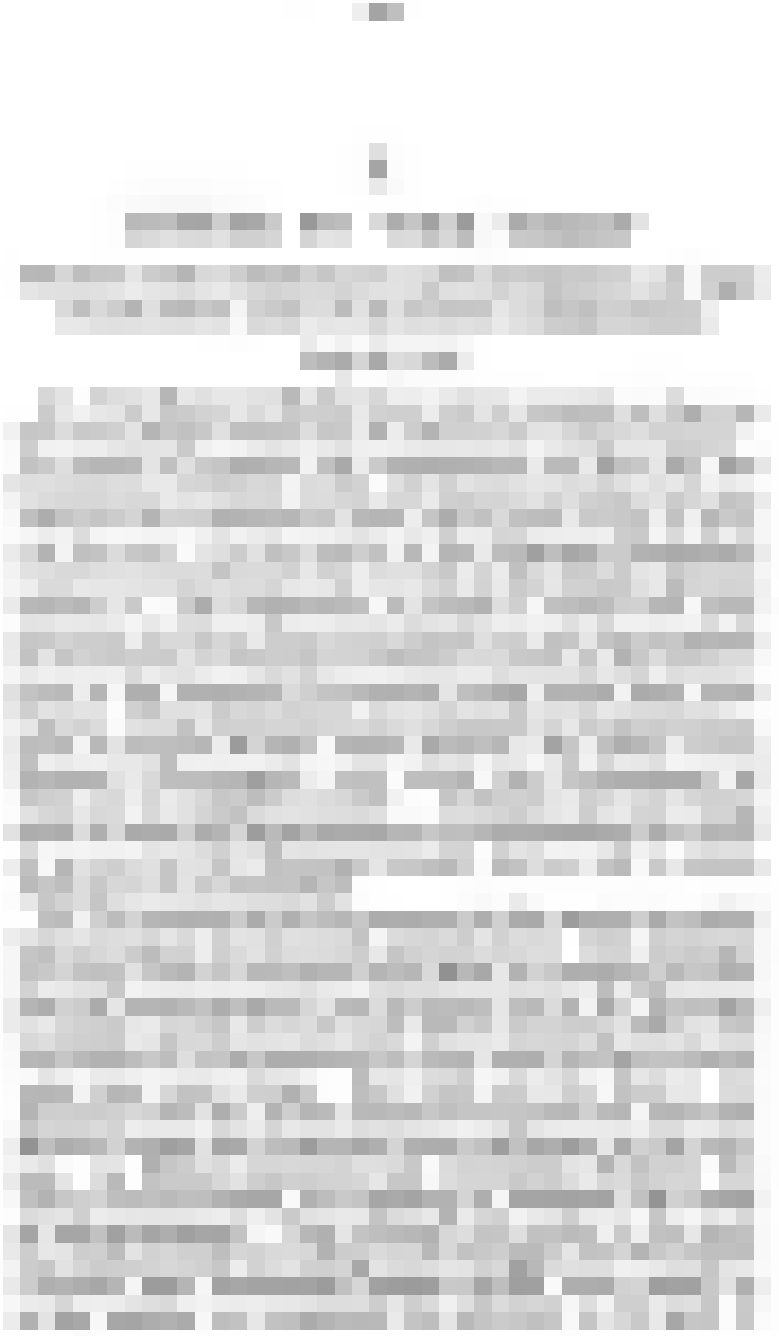

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§ 4. Most unfortunately this momentous pronouncement was omitted here on the eve of an adjournment merely in answer to a question put by a private member. In India it was, of course, published next day in a *Gazette Extraordinary*, the type for which had obviously been set in anticipation of the event. At once it figured in the Indian mind as a charter superseding in importance the Proclamation of 1858. It now ranks as the Magna Carta of India, and I doubt not there are thousands of Indians who have learned it by heart. To the English mind, with its various preoccupations, it is at best but one in a multitude of stars. To the educated Indian it is as the sun obscuring the stars, but bathing his whole world in light.

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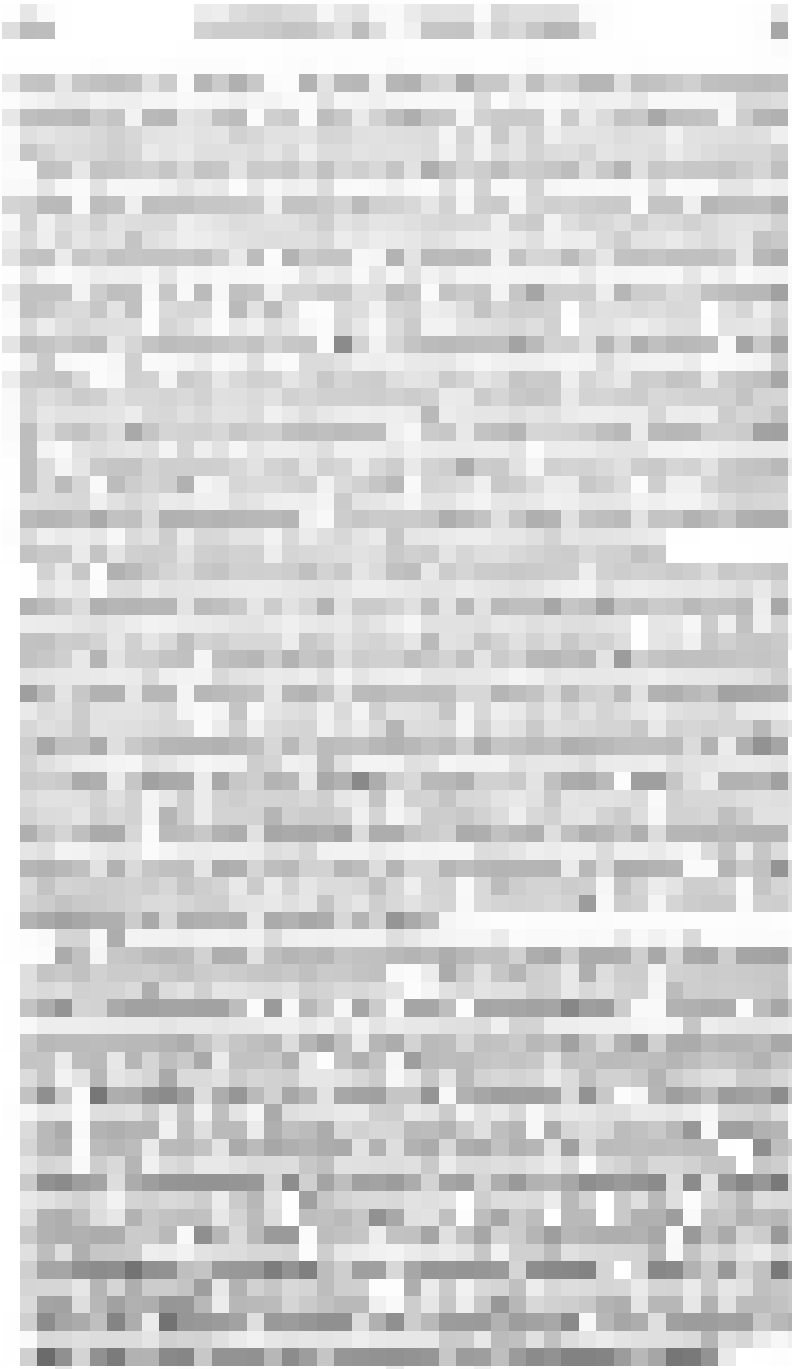

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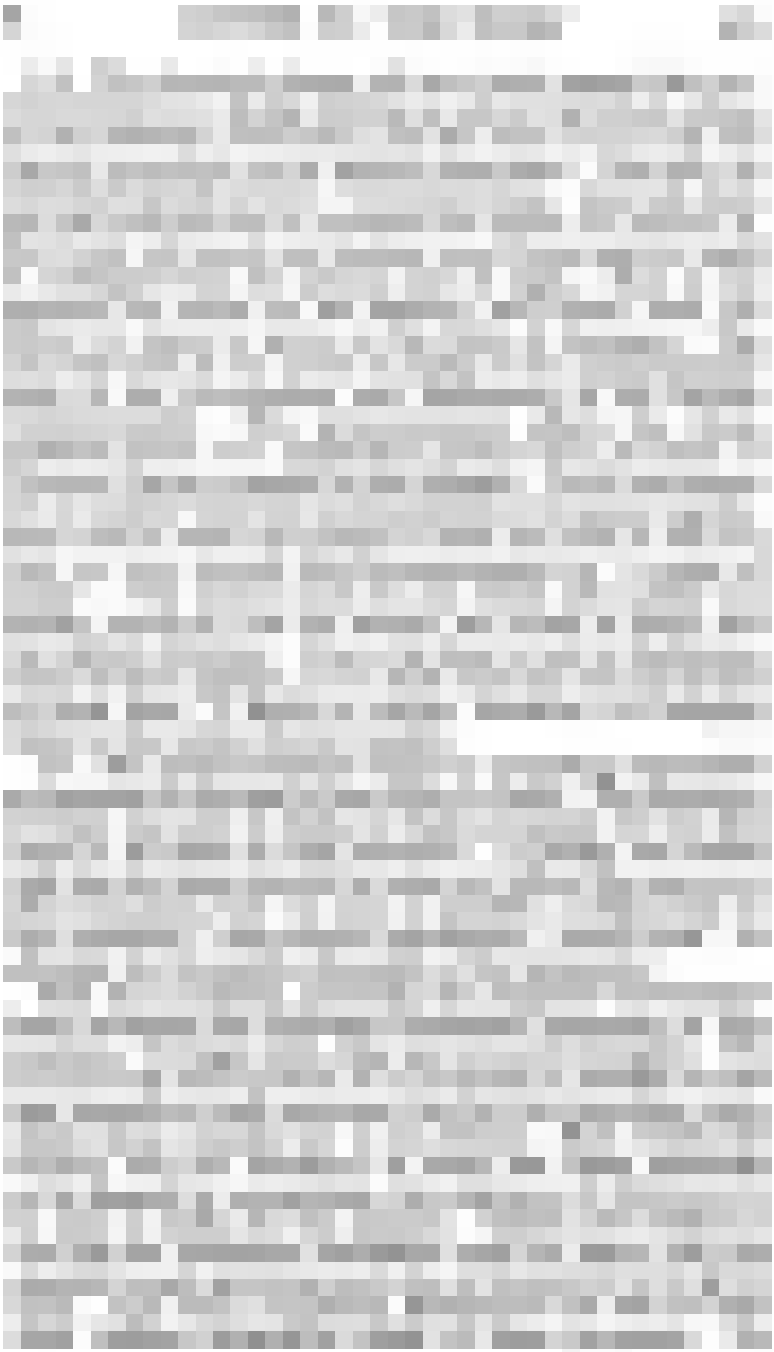
§ 6. The educated classes will now justly regard this pronouncement as a pledge binding as any in the whole course of our relations with India, and the basis of our rule will depend henceforth on its perfect observance. Our rule, we are told, depends on force. Of course it does. Any text-book will tell you that law is nowhere law unless you enforce it. But force will recoil and destroy you if you seek to wield it unhinged from the primal axis of right. That is the principle for which we are fighting, and which, with our Allies, we mean to prove on the body of Germany. The one real basis of our power in India is the unimpeachable faith of the Government and Parliament of the British Commonwealth. This pronouncement affects the whole political future of a population greater than all those of Western Europe engaged in this struggle. In all seriousness let us consider what our moral position at the peace negotiations will be when the charge is made (as made it will be) that we have treated this pronouncement as 'a scrap of paper'. Our answer must be one which will satisfy not merely ourselves, but our friends, the world at large, and the verdict of history. *Now* is the time to look to the precise terms of those pledges, as we shall wish that we had looked at them then. I make no excuse, therefore, for bringing them to the notice of your readers.

§ 7. The pronouncement began by accepting responsible government as the goal of our policy in India. The Secretary of State was sent to India to frame proposals for the first steps to be taken in that direction. A pledge was added that the first steps should be taken not before the peace nor after the peace, but 'as soon as possible', subject only to one condition, 'that ample opportunity' should first 'be afforded for the public discussion of the proposals'.

This last condition precludes the Imperial Government from accepting the Montagu–Chelmsford proposals at this juncture. To begin with, they are not as yet complete. We are not told what powers it is proposed to transfer to the new councils in each province, nor yet the franchises upon which those councils are to be elected. Most wisely the Viceroy and the Secretary of State left these schedules to be framed by committees, the chairmen of which are to be sent to India for the purpose. Clearly the scheme is not ripe for conclusive discussion until we know who the electors in each province are to be, or the powers to be given them. And when completed, Parliament has still to hear what Indians themselves think of these proposals. By



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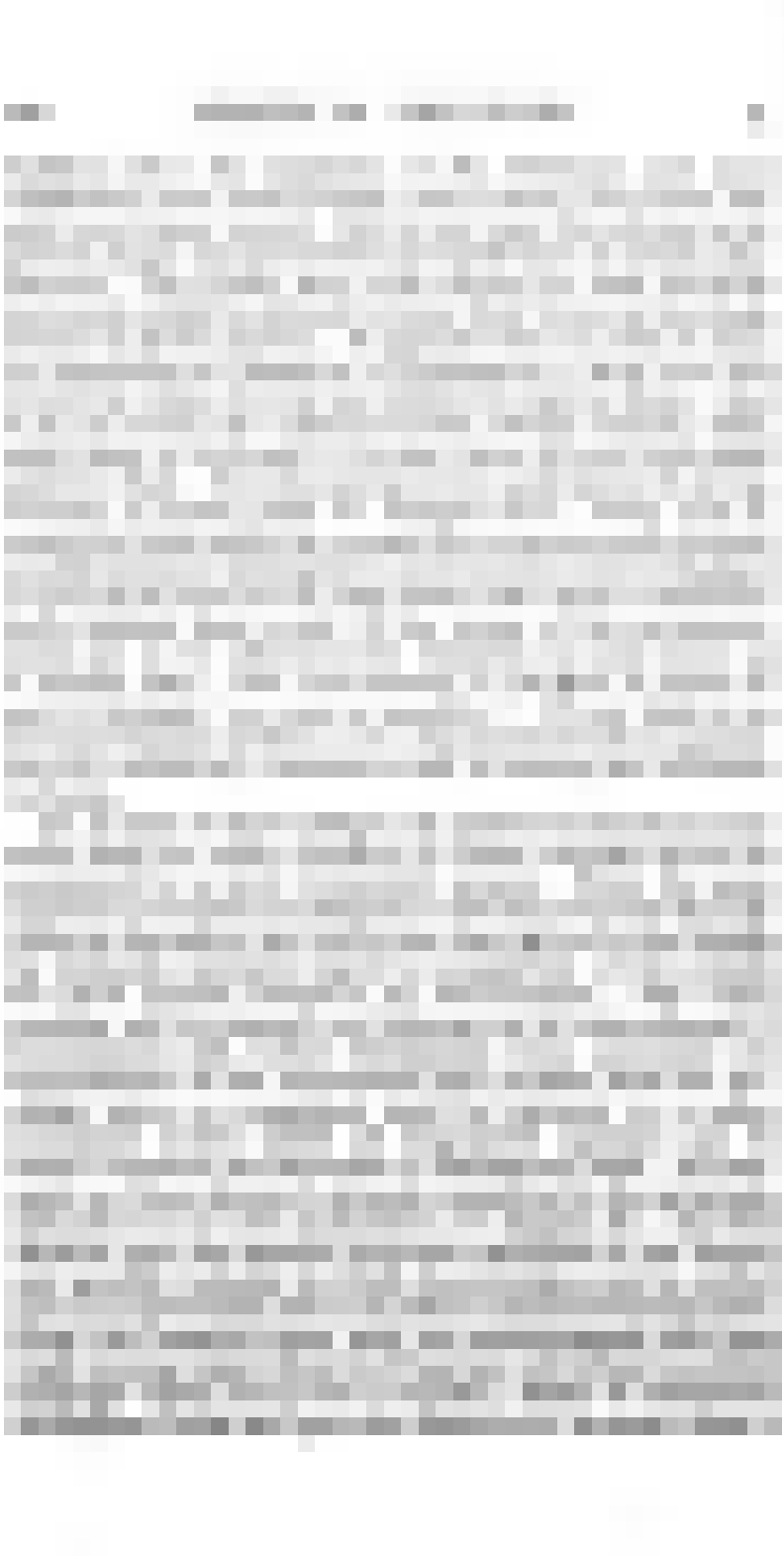

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MEMORANDUM

SUBMITTED TO THE JOINT SELECT COMMITTEE OF LORDS AND COMMONS APPOINTED TO REPORT ON THE INDIA BILL

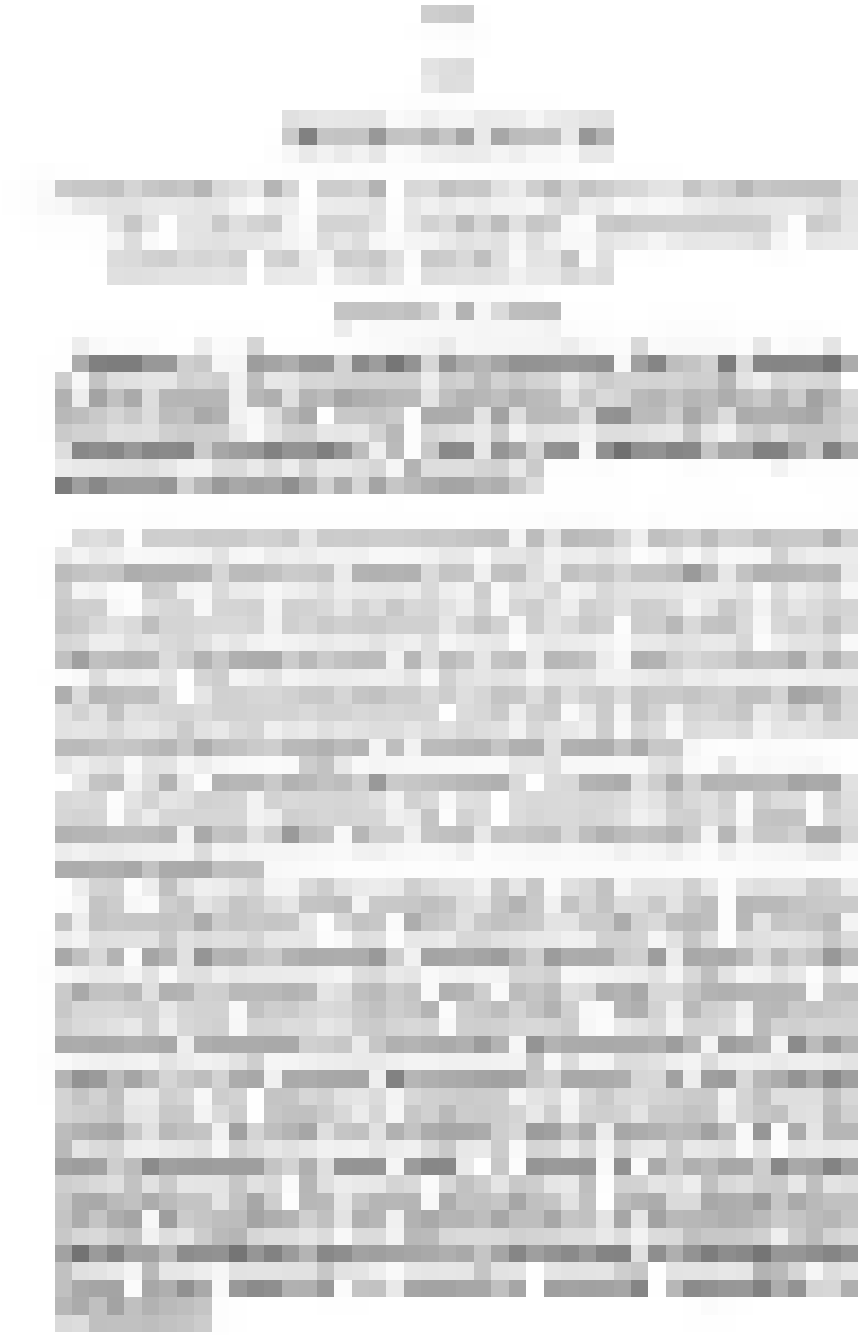
(October 13, 1919)

Question 1. Do you accept the proposition that it is desirable to bring about the progressive realization of responsible government in India; and, if so, how do you define the expression 'responsible government'? And do you generally accept the proposition contained in the Preamble?

§ 1. I accept the pronouncement of policy by the Imperial Government made on August 20, 1917, with a single qualification. The time and measure of each advance can, in the last instance be determined only on the authority of the Imperial Parliament and of no one else; and it should be so stated. The Government of India is the adviser and agent of the Imperial Government, and not, as the words of the pronouncement suggest, a collateral authority.

§ 2. By 'responsible government' I mean the administration of public functions by an executive which may be dismissed from office by a vote of an electorate or of their representatives.

§ 3. The only other subject dealt with in the preamble is decentralization. On this point I hold that in India, as in all great countries, nothing should be done by the central government which can, with equal efficiency, be done by any more localized authority. The line between functions assigned to provincial governments and those reserved to the central government should be the clearest which can be drawn in practice, to the intent that the public may be able to recognize which authority is to be held responsible in each case. I think it of even greater importance that the same principle of clear demarcation should be applied to the administration of functions transferred to ministers responsible to electorates, as distinguished from those reserved to executive councils responsible to Parliament.



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§ 4. By the forgoing answers I mean it to be understood that, in accepting the pronouncement of August 20, 1917, I really look forward to a time, however remote, when Indian affairs, as distinguished from those general to the British Commonwealth as a whole, will be as fully and finally determined by Indian electorates as those of the self-governing Dominions now are by Dominion electorates. Any change in this measure suggested in this statement is conceived with an eye to the earliest possible attainment of that goal. This, to me, is the final criterion of all questions at issue before the Committee, and I ask that my evidence may be tested thereby.

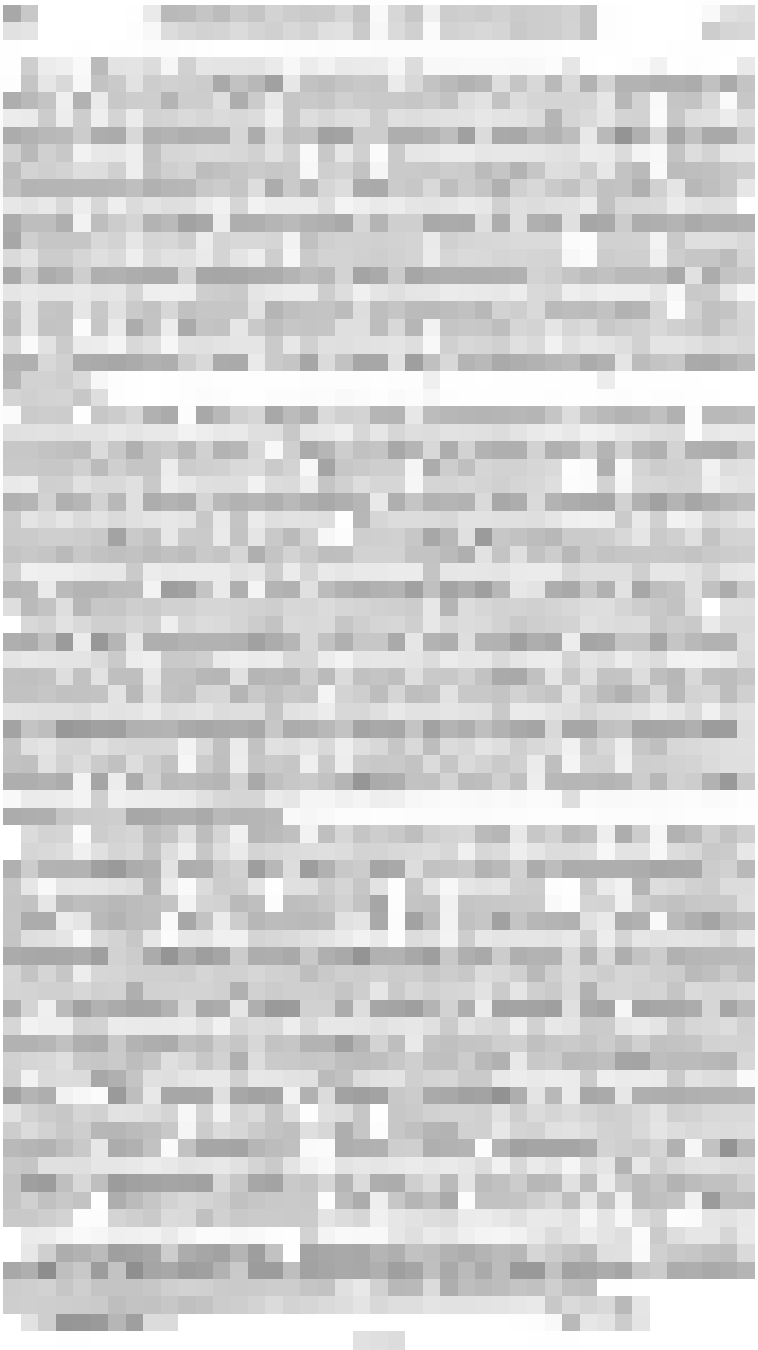
§ 5. It was this which Lord Carmichael evidently had in mind when he said 'Care should be taken not to take away responsibility from the British Parliament. It seems to me that in that responsibility we have the surest guarantee that progress will be real.[1] Strongly agreeing, as I do, with Lord Carmichael on this point, I regard as of vital importance the second part of the pronouncement, which says that 'The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be judges of the time and measure of each advance, and they must be guided by the co-operation received from those upon whom new opportunities of service will thus be conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility'.

§ 6. I hope the Joint Committee will realize the danger of including only the first part of the pronouncement in the preamble, while omitting the second. In December 1917, before the secession of the moderates, the Indian National Congress whilst approving that part of the formula which accepted responsible government as the goal, hastened to 'repudiate the claim of others to decide for India the time and measure of the stages by which it should be achieved as a negation of the recognized principle of self-determination'. We have here a direct challenge to the authority of Parliament in India, and delegates have been sent to repeat that challenge. They have repeated it to this Joint Committee—that is to say, in the ears of Parliament itself.[2] Their spokesman, Mr. Patel, went on to say[3] that

[1] Joint Select Committee. Minutes of Evidence, p. 319, q. 17. The references in the footnotes to this memorandum are to these minutes of evidence or to statements appended thereto, unless otherwise stated.

[2] Appendix C.

[3] q. 1739.



§ 4. By the forgoing answers I mean it to be understood that, in accepting the pronouncement of August 20, 1917, I really look forward to a time, however remote, when Indian affairs, as distinguished from those general to the British Commonwealth as a whole, will be as fully and finally determined by Indian electorates as those of the self-governing Dominions now are by Dominion electorates. Any change in this measure suggested in this statement is conceived with an eye to the earliest possible attainment of that goal. This, to me, is the final criterion of all questions at issue before the Committee, and I ask that my evidence may be tested thereby.

§ 5. It was this which Lord Carmichael evidently had in mind when he said 'Care should be taken not to take away responsibility from the British Parliament. It seems to me that in that responsibility we have the surest guarantee that progress will be real.[1] Strongly agreeing, as I do, with Lord Carmichael on this point, I regard as of vital importance the second part of the pronouncement, which says that 'The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be judges of the time and measure of each advance, and they must be guided by the co-operation received from those upon whom new opportunities of service will thus be conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility'.

§ 6. I hope the Joint Committee will realize the danger of including only the first part of the pronouncement in the preamble, while omitting the second. In December 1917, before the secession of the moderates, the Indian National Congress whilst approving that part of the formula which accepted responsible government as the goal, hastened to 'repudiate the claim of others to decide for India the time and measure of the stages by which it should be achieved as a negation of the recognized principle of self-determination'. We have here a direct challenge to the authority of Parliament in India, and delegates have been sent to repeat that challenge. They have repeated it to this Joint Committee—that is to say, in the ears of Parliament itself.[2] Their spokesman, Mr. Patel, went on to say[3] that

[1] Joint Select Committee. Minutes of Evidence, p. 319, q. 17. The references in the footnotes to this memorandum are to these minutes of evidence or to statements appended thereto, unless otherwise stated.

[2] Appendix C.

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the 'Indian National Congress does not regard those phrases as part of His Majesty's announcement'. So, too, Mrs. Besant urges that 'having started India on the road to Home Rule it should be left to her representative councils to regulate her advance to complete responsible government[1]

It is most unfortunate that this epoch-making pronouncement of Imperial policy should in the first instance have been made merely as an answer by the Secretary of State to a question put by a private member, and then never endorsed in terms by Parliament itself. If, as is now proposed in the preamble, Parliament affirms the first part of the pronouncement and omits all reference to the second, it will most assuredly be argued in India that Parliament has consciously refrained from affirming the second part in deference to the views of the Indian National Congress. The emphatic contradiction given by the Chairman of this Committee to Mr. Patel[2] will be buried in the mass of its proceedings and will scarcely penetrate to India. Or, if it does, it will be argued that the statement was supported neither by the Secretary of State nor the Committee. This attempt to represent the second half of the pronouncement as expressing only the personal views of Mr. Montagu is a timely warning. By including in the preamble all the words of the pronouncement which are of permanent application, Parliament can close a distracting controversy once for all. It is worth noting that an experienced official like Sir Alexander Cardew complained that the preamble differs from the pronouncement.[3] Appended to this statement is the preamble amended to a form which would remove all doubts in the matter.

§ 7. Another of the claims which tend to obscure the real path to responsible government will be closed thereby. A demand is constantly made for a definite date to be fixed at which complete responsible government will be granted. This demand, as Mr. Madhav-Rao says,[4] arises from distrust in our good intentions, which undoubtedly exists, though its causes cannot be here discussed. But the claim cannot be reconciled with the spirit of the pronouncement when affirmed as a whole. India ought to have responsible government the moment she is able to assume it. It behoves Parliament not only to see that she has it as soon as she is able, but also that nothing is left undone which will help Indian electorates to develop the qualities necessary to the complete management of their own affairs. Parliament is

[1] p. 73, q. 17. [2] q. 1741. [3] q. 6141. [4] q. 2074.

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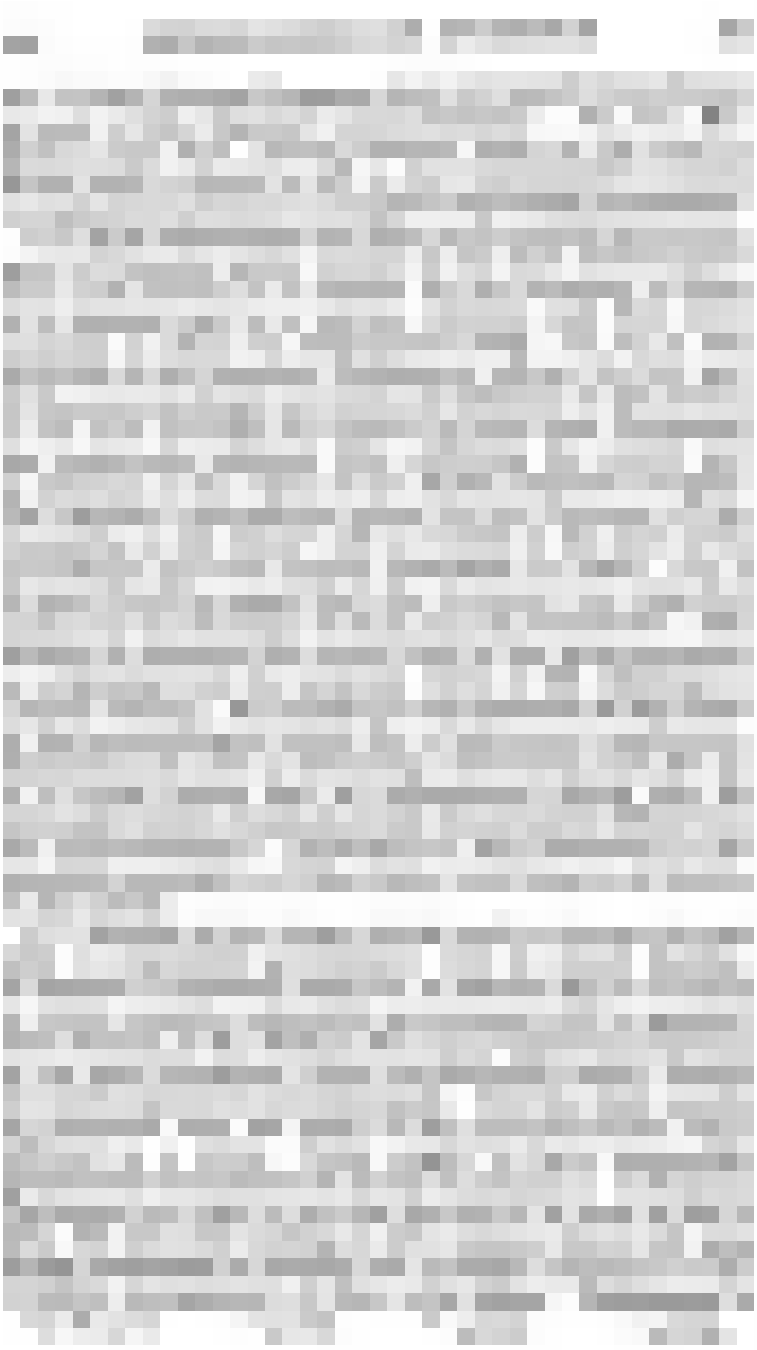

pledged to give them the widest field for the exercise of those qualities compatible with the maintenance of order, without which the development of genuine electorates cannot begin. For the rest, the rate of progress will depend on the use made of that field by the electorates and those they elect. The pronouncement affirms this. But the thing is true apart from the pronouncement. It is easy enough to bring anarchy to India; but we can only bring self-government to Indians in so far as they make themselves able to accept it. Granted that Parliament is faithful to the spirit and letter of the pronouncement, the development of conditions essential to responsible governments will depend on Indians themselves. No gift of prophecy can tell us how fast that development will be. Experience alone can determine it, and if the members assembled in Parliament to-day were to say that India will be ready for full responsible government at any given date, they would be presuming to settle a question which can by nature be settled only by those who come after them. This demand will be answered and set at rest by affirming the second part of the pronouncement once for all.

§ 8. It is worth suggesting that the fitness of India for complete responsible government is susceptible of a definite test. Mrs. Besant remarks[1] that that will be when India can assume control of home defence. To be more precise, I should say it will be whenever it is found possible to withdraw Imperial troops except those required to defend the frontiers of India, as part of the British Commonwealth, from foreign aggression. Whenever the Imperial Government has to form an opinion whether India is ripe for full responsible government, every member of it can ask himself whether he is prepared to accept the office of Governor-General subject to the condition that he, in his personal capacity, will not be able to call upon British troops to suppress such disorders as lately broke out in the Punjab.

§ 9. The tendency to question or belittle the authority of Parliament is not, however, confined to extremists in India, but is present in the minds of many of our own countrymen there. It tinges even the views of the head of a province when criticizing the proposal that Parliament should test the progress of India towards responsible government by periodic commissions appointed by and responsible to itself.[2] At this parting of the ways it is of vital importance, especially to India, that Parliament should assert its paramount

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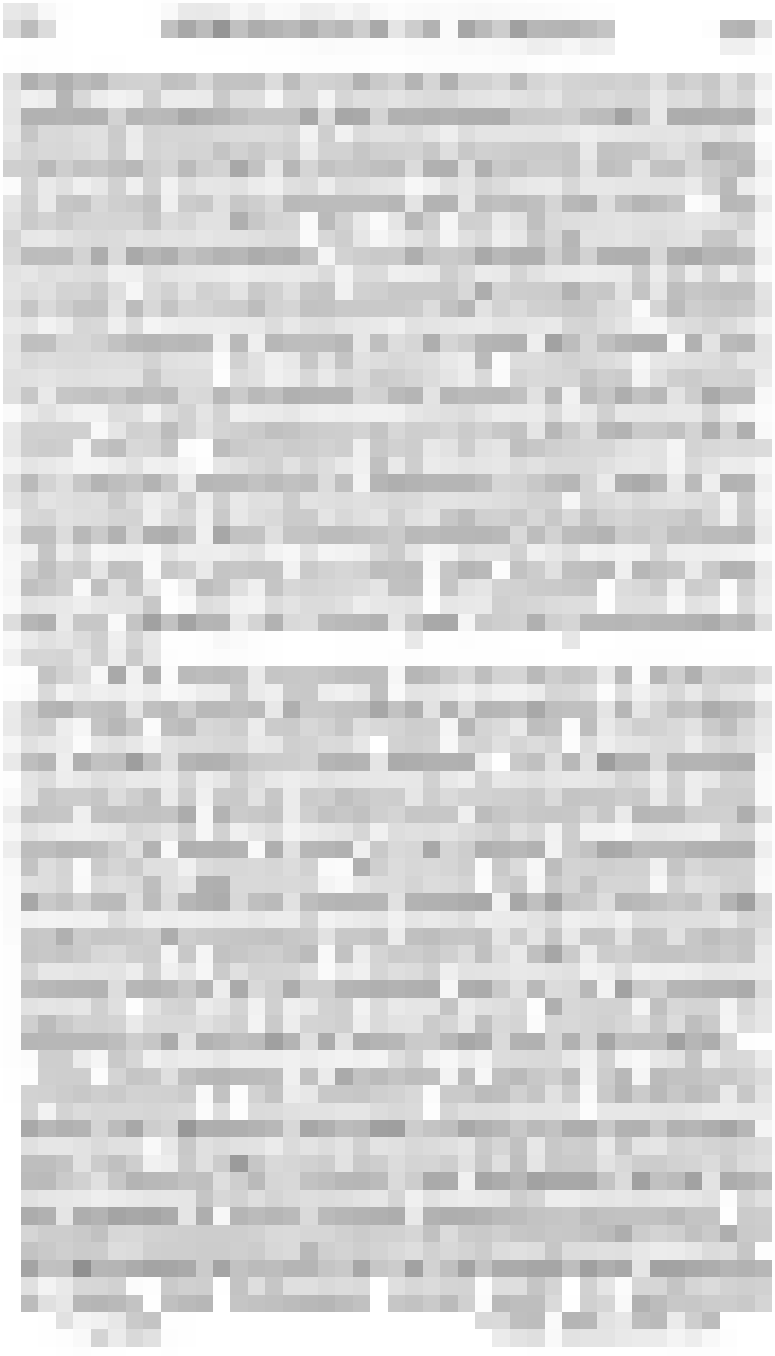

authority in terms which admit of no further question, whether by Indians or Europeans.

§ 10. The authority of Parliament must be asserted when questioned; but authority cannot rest on assertion alone. In India its moral foundation depends on how far the word of Parliament proves to be binding on itself no less than on her. Our record in India will bear comparison with that of any other rulers similarly placed. Yet even so in the matter of pledges we are not wholly free from arrears. Hence it is that the one phrase in the pronouncement which has captured the imagination of Indians most completely is contained in the four words 'as soon as possible'. Parliament, therefore, should be studious that no delay in the performance of its promises is chargeable to itself. So far as this pronouncement is concerned there are as yet no arrears to work off. There was no delay in the Secretary of State's visit to India, in the conduct of the inquiry, nor in the production of the report. The scheme had scarcely been published a couple of months before the Imperial Government found time to dispatch the Southborough committees to complete it, and all this in the stress of war. Their work was done with the utmost expedition, and now, with the Bill, lies before Parliament and this Committee. The completion of this measure in the present session will, I believe, establish for many generations in India that faith in the pledges of Parliament which, with Lord Carmichael, I regard as most essential to its future progress in the art of controlling its own affairs. It was this, I conceive, which Sir Verney Lovett had in his mind when urging the Committee not to depart from the main outlines of the Bill in favour of the alternative proposals of some of the provincial governments.[1] He did not disguise his preference for those proposals on their merits. But he takes the situation as it now is, and sees the cardinal importance not only of avoiding any reasonable charge of delay, but also of giving something which is demonstrably an instalment of genuine responsible government. I take leave to recommend this weighty warning to the special attention of the Committee, coming, as it does, from the lips of so cautious, so conservative and so experienced an official. I hope the Committee will advise certain amendments. But, none the less, I would urge them to disregard any amendment I suggest, if, in their judgement as Parliamentarians, its proposal would endanger the prospect of the measure passing into

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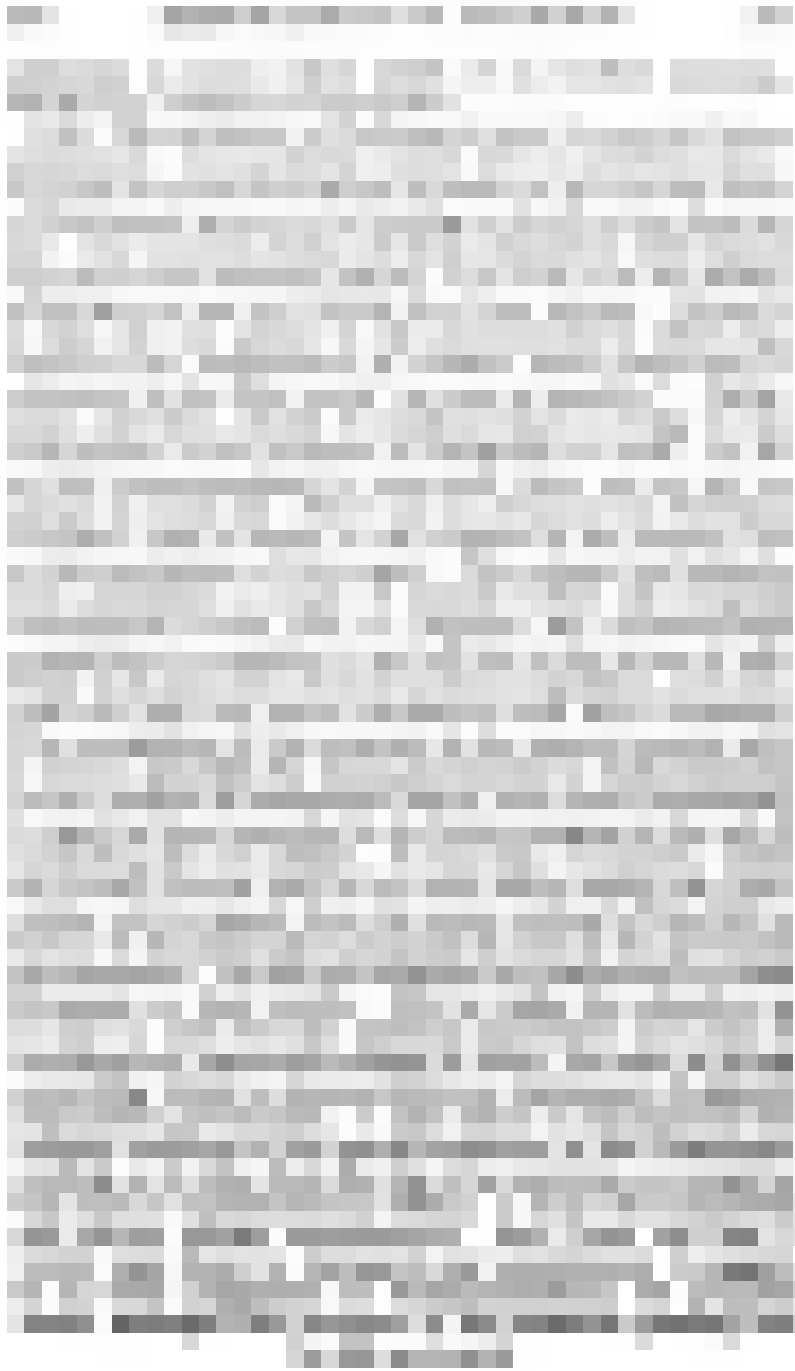

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law in the course of the present session. Everything I have to say is subject to that proviso. The scheme is, in my judgement, strategically sound. If, through tactical defects, it should come to grief, those defects are capable of amendment, though, of course, at a cost. But the cost will be infinitely smaller than that involved in a measure strategically wrong; for such measures lead only to a precipice, from the brink or perhaps from the bottom of which you have to go back and begin all over again. In my opinion the Minto–Morley reforms and the alternative scheme by provincial governments belong to that category. The searching analysis to which the Committee have now submitted them proves no less.

§ 11. To summarize this part of my evidence I submit that while Parliament is bound to give effect to the spirit as well as the letter of the pronouncement, it is bound no less to exercise its own unfettered judgement as to the methods it adopts. The final decisions must be those not of the Secretary of State, nor of the Viceroy, nor of the Government of India, nor of any section of Indians, nor even of all these added together, but of Parliament itself, and if what Parliament does is, in its wisdom, calculated to accelerate the progress of India towards responsible government, there can be no question of 'whittling down'. My own recommendations are all such as in my opinion will hasten the advent of responsible government, and I therefore ignore that too freely repeated phrase.

2. Do you think that the realization of responsible government in the provinces involves the establishment in provincial legislatures of a substantial elected majority? (Clause 6.) 3. Do you think that the non-official members of the provincial legislatures should possess power to control the actions and policy of the executive? Do you think they possess such power at present? 4. Do you think that there are certain matters or functions of government in the provinces in which at present the provincial executive must remain responsible to the Secretary of State and Parliament, and must therefore be in a position to enforce its wishes?

My answer to these questions is as follows:

§ 1. There are two principles underlying all schemes which look to the realization of self-government in India. One is the principle embodied in the Minto–Morley reforms,

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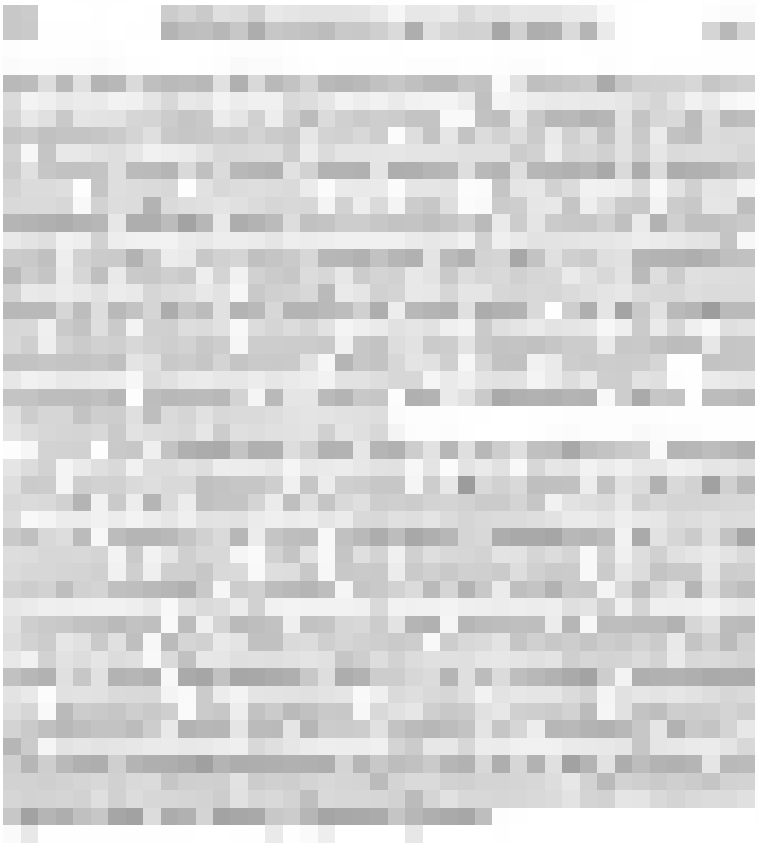

the Congress–League Scheme, and that of certain provincial governments. The other is the principle of dyarchy adopted in the Bill. It is highly elastic, and can be applied in many different ways.

§ 2. As to the Minto–Morley principle, my views are on record in Chapters IV, V, and VI of a book called *Letters to the People of India on Responsible Government*. This book was published in India and was before the Secretary of State and Viceroy when they dealt with this subject. In words borrowed from Chapter VII of their report, I regard this policy as 'fatal to good government', 'wrong in theory', 'the worst possible education for responsible government', 'unworkable in practice', and 'the negation of responsible government'. A candid examination of this policy must lead to its rejection by any body of men with actual experience of government or knowledge of history. In the light of their own analysis the authors of the report could only reject it. And so as a matter of common sense they were thrown back on the only alternative principle. They decided, therefore, that Indian ministers removable by and therefore answerable to Indian electorates and those they elect, must be made responsible for certain definite functions which may be increased or diminished as experience may warrant, the officials answerable to Parliament in England continuing to administer all other functions until such time as Indian electorates might be qualified to assume them.[1]

§ 3. From these views, with which I agree, it follows that in the legislatures to which ministers are answerable there must be a substantial elected majority. And I go so far as to say that there should be no official voters.

§ 4. In the councils which deal with reserved subjects the non-official members should be able to exercise the utmost influence on the executive; but control, that is to say the final power of decision, must rest in fact as well as in name with the executive. Otherwise it cannot discharge the trust for which it is in the last instance answerable to Parliament, and Parliament alone.

I do not consider that most provincial executives exercise such power at present, especially in Bengal. Had they done so I do not believe that criminal conspiracy in Bengal would ever have been suffered to reach such lengths and spread until it had to be dealt with by the Indian Legislature as an all-India subject. The want of power in provincial governments to maintain local order without bringing such

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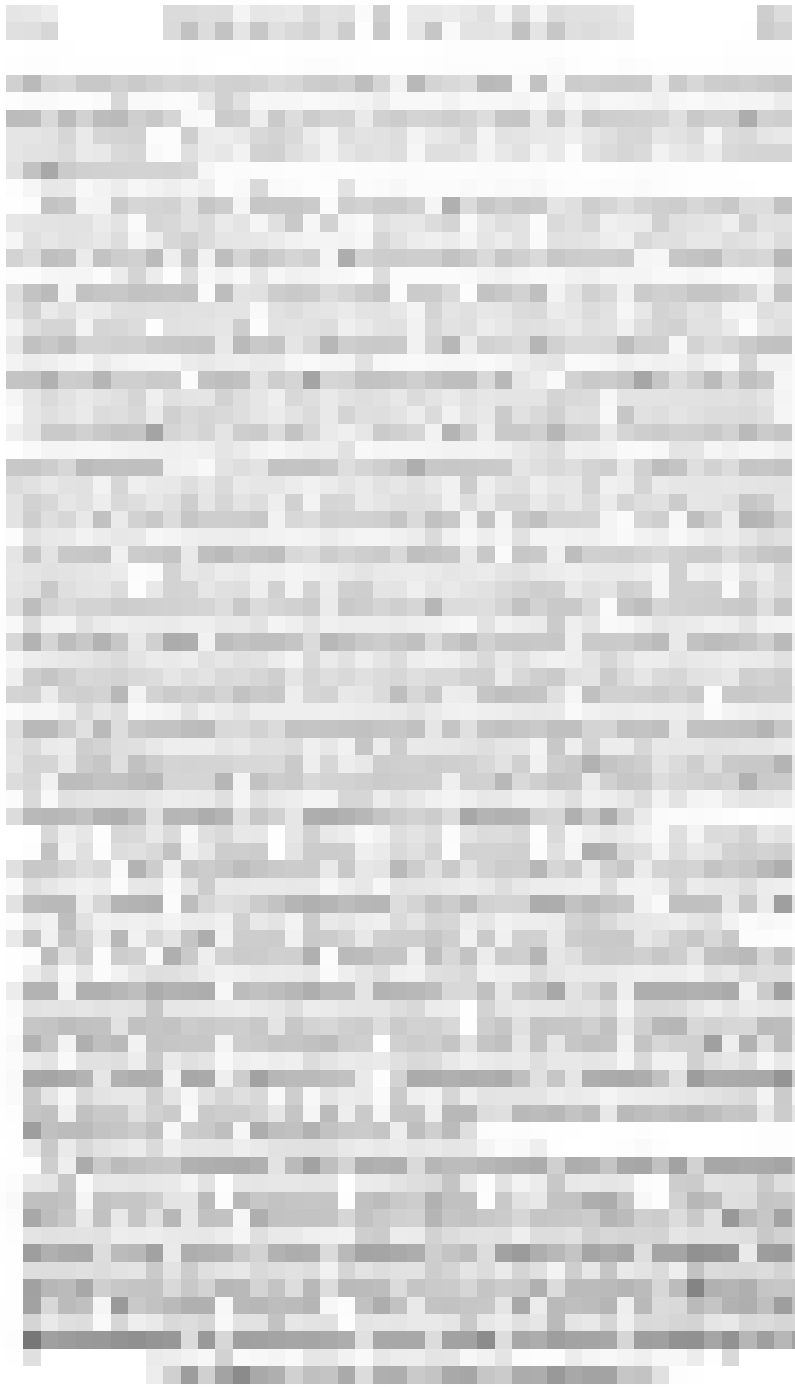

questions on to the all-India stage and so spreading the controversy to the whole country is the prime cause of the troubles which have culminated in riots against the Rowlatt Act. Lord Carmichael hinted as much.[1]

§ 5. To question 4, whether I think that there are certain matters or functions of government in the provinces in which at present the provincial executive must remain responsible to the Secretary of State and Parliament, and must therefore be in a position to enforce its wishes, my answer is emphatically Yes! I do not think there is any serious dispute on the subject. Complete responsible government in the major provinces is, in my opinion, incompatible with anything but complete responsible government in the government of India. I have given my reasons elsewhere.[2]

5. If you accept the propositions stated under questions 1 to 4 do you think that the dual form of government embodied in the Bill is the best means of securing them? If not, what are your objections to that feature of the Bill, and by what other means would you attempt to secure the objects in view? 6. If you have any other method to suggest, does it (1) provide possibilities of advance by stages and facilitate the 'progressive realization of responsible government', and, if it does, in what way? (Clause 2, 3, &c.), and (2) does it afford means of judgement, (*a*) to the electors, and (*b*) to the Statutory Commission which is to examine and report on progress, of the success or failure in results of the control exercised by the Legislature and those who represent it in the executive? 7. If you consider a dual form of government acceptable in principle, are there any points of detail the modification of which you regard as necessary? If so, what are those points, and what modifications would you suggest?

§ 1. In the Joint Address signed by 64 Europeans and 90 Indians, appended to the book to which I have referred,[3] is a scheme for applying the principle of dyarchy, which is, I think, on its merits preferable to that set forth in the Bill. A brief account of its genesis will show why I think so. In 1915 and 1916 I was associated with several friends, who had lifelong experience of Indian government, in producing a paper on the subject for circulation amongst

[1] q. 5927.
[2] *Letters to the People of India on Responsible Government*, p. 434, § 5.
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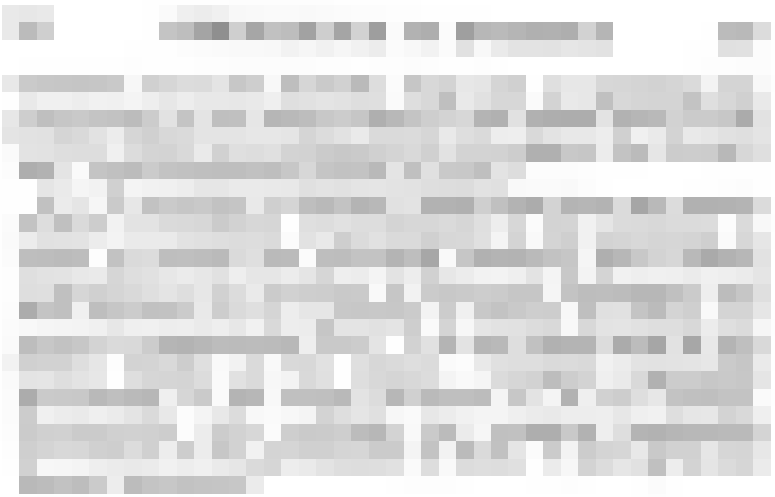

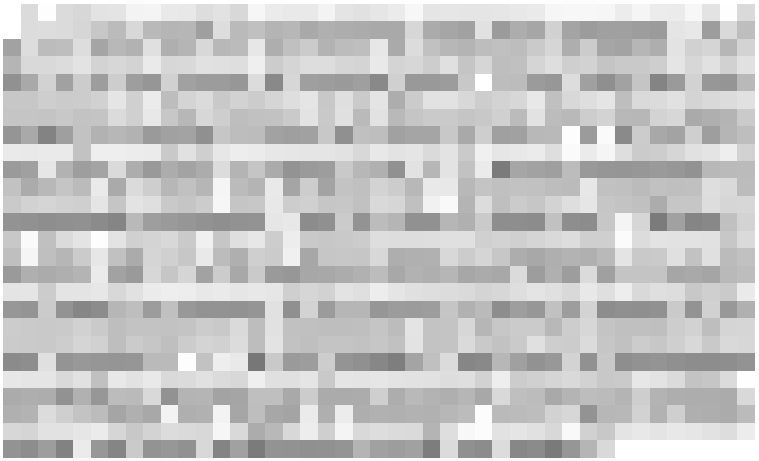

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§ 2. In October 1916 I arrived in India to pursue these studies of the problem on the spot. My mind was then still open on the subject of specific devolution, but after studying Indian conditions for six months I could see no other key to the problem. So in answering a letter to my friend, Mr. Bhupendra Nath Basu, I propounded for his criticism a scheme of 'dyarchy', the name which had been given to the principle by a member of the Government of India. The scheme was worked out in terms of the United Provinces, of which province I had made a particular study. I was greatly assisted in preparing it by friends in the Civil Service who, without offering any opinion on the principle itself, thought that it ought to be studied more closely. The letter was afterwards printed in interleaved copies and circulated for criticism to all those, both Indians and Europeans, who had helped me with information. A mass of valuable criticisms was sent me. I printed a selection of these, which, together with the paper to which they relate, I now hand in.[2]

§ 3. Even more valuable, however, were the criticisms I received in verbal discussions with Indians and officials who had read the pamphlet. It was in the course of these discussions that I came to believe that a province, like that dealt with in the scheme, which contains about 48,000,000

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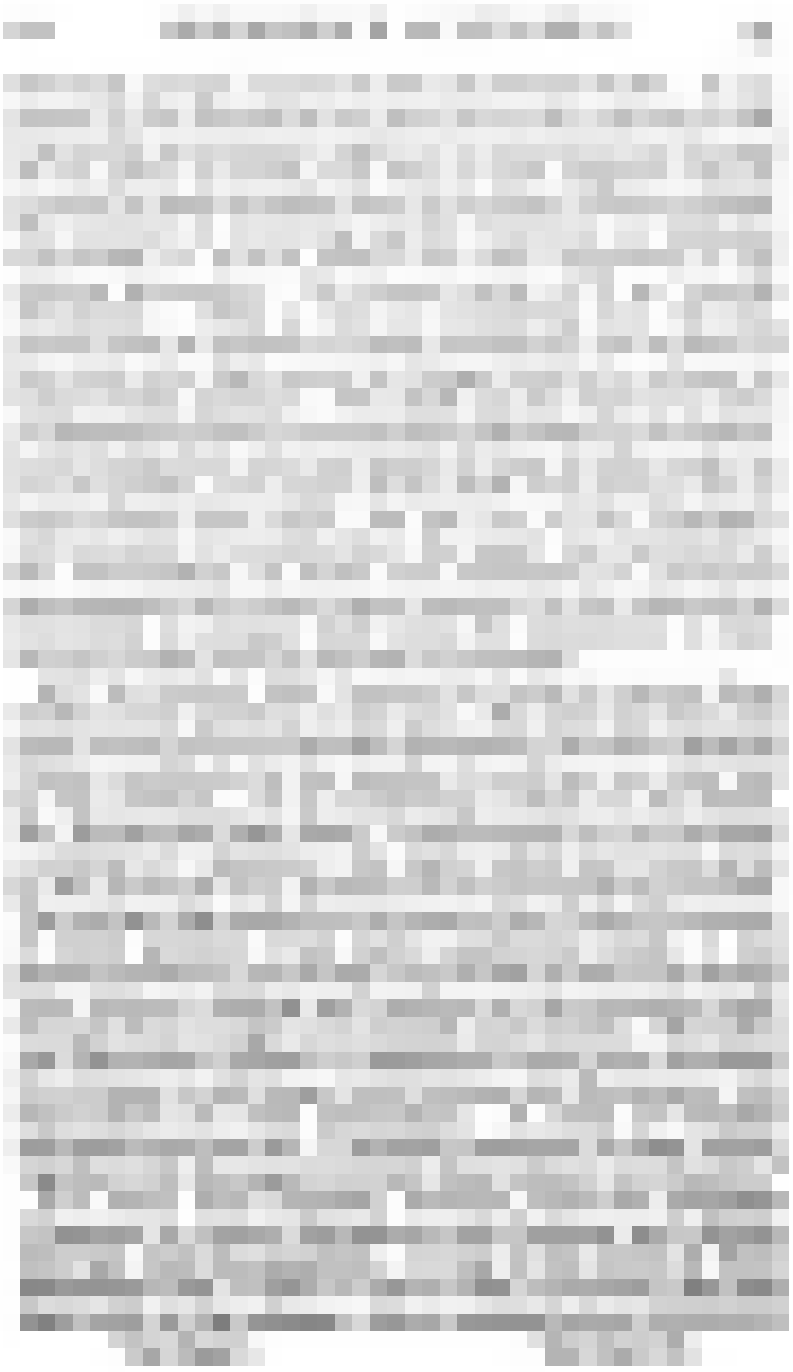

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§ 4. Except for the points of difference upon which I shall dwell in the course of this evidence, the scheme embodied in the Joint Report and the Bill is the same as that contained in the letter to Mr. Bhupendra Nath Basu of April 6, 1917. With these important exceptions the investigations of the Secretary of State and Viceroy had led them to the same point to which I myself had been brought by April 1917. But those investigations did not lead them to the conclusions I had formed six months later as the result of further inquiries. They did not adopt the view set forth in the Joint Address that Indians should be asked to make their first experiment in responsible government in areas really adapted to the task and suited, side by side with the native States, to form self-governing provinces in a future United States of India beneath the British flag. My own views on the subject are set forth at length in Chapter VIII of *Letters to the People of India*. The reasons for rejecting them are contained in § 246 of the Joint Report. A glance at this section will show that the operative reason was unwillingness to face opposition to a scheme of partition.

§ 5. That such opposition existed is true. It is no less true that opposition to the whole principle of dyarchy was equally emphatic; and very naturally so. For a year the Congress–League scheme had held the field as the only concrete proposal for reforms. Its authors had every excuse for believing that it must be accepted in substance. As their own child it was naturally and properly dear to them. Under these circumstances the alternative policy embodied in the Joint Address could scarcely hope to be considered on its merits at the first blush. Naturally the authors of the Congress–League scheme attacked it, and, equally naturally, they selected the point upon which attack was likely to prove most formidable in the public mind, still inflamed by memories of the partition of Bengal.

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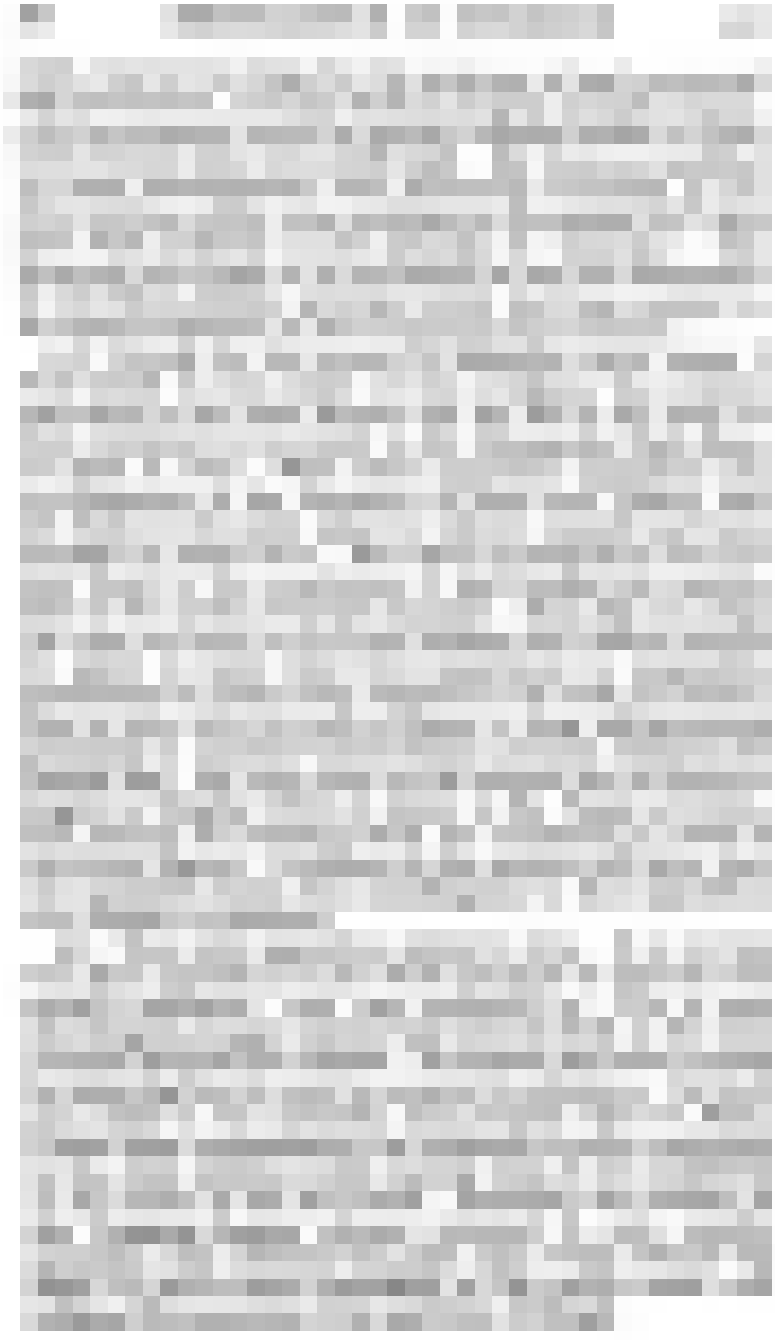

§ 6. I do not presume to say that the eminent authors of the Joint Report, weighted as they were by their heavy responsibilities, should have squarely faced this opposition. Speaking as one unhampered by official responsibility, I can only say that I think that in their position I should have done so, believing as I do that the institution of responsible government in provincial areas of appropriate size and based on racial and linguistic units will bring India nearer to the final goal by many generations. I will give my reasons for saying so. The principle of dyarchy itself was denounced, especially by many of the witnesses who have now appeared to support it before this Committee. This evidence that Indian leaders can revise their opinions, and do not shrink from admitting that they have done so, of itself augurs well for the progress of India towards self government. In spite of all prejudices and passions, the reasons for things, if they are valid, do sink into the minds of Indians when explained in a spirit of sympathy such as that adopted in the Joint Report. But more especially is this so when they are presented with the high authority of men in the position of its authors. The readiness of Indians to listen to rulers whom they feel to be in sympathy with their aims is one of the great hopes of the future. It is, I may add, one of the most urgent reasons why their present rulers should be men who can sympathize with aims learned from a study of our own civilization.

How equally potent is a lead in the wrong direction is shown by the history of reform from 1909 to the Indian National Congress of 1917. India had been started on a course which, as the authors of the Joint Report recognized, every one must see on closer examination must lead to anarchy. They have rendered an unexampled service to India by making that examination for themselves and placing it on record in Chapter VII of their report.

§ 7. As to the areas, I think that a great opportunity was lost. But that loss is a definite fact in the situation which has to be recognized. Even if I were so fortunate as to convince the Secretary of State of my views at the eleventh hour, I would not advise him now to substitute the Joint Address for the Joint Report as the basis of the Bill; for it could not then pass in the present session, and the genuine intention of Parliament to give effect to the pronouncement 'as soon as possible' would be held in question throughout India. In my answer to Question 6 I want to be perfectly clear on this point. I do not now suggest the scheme set

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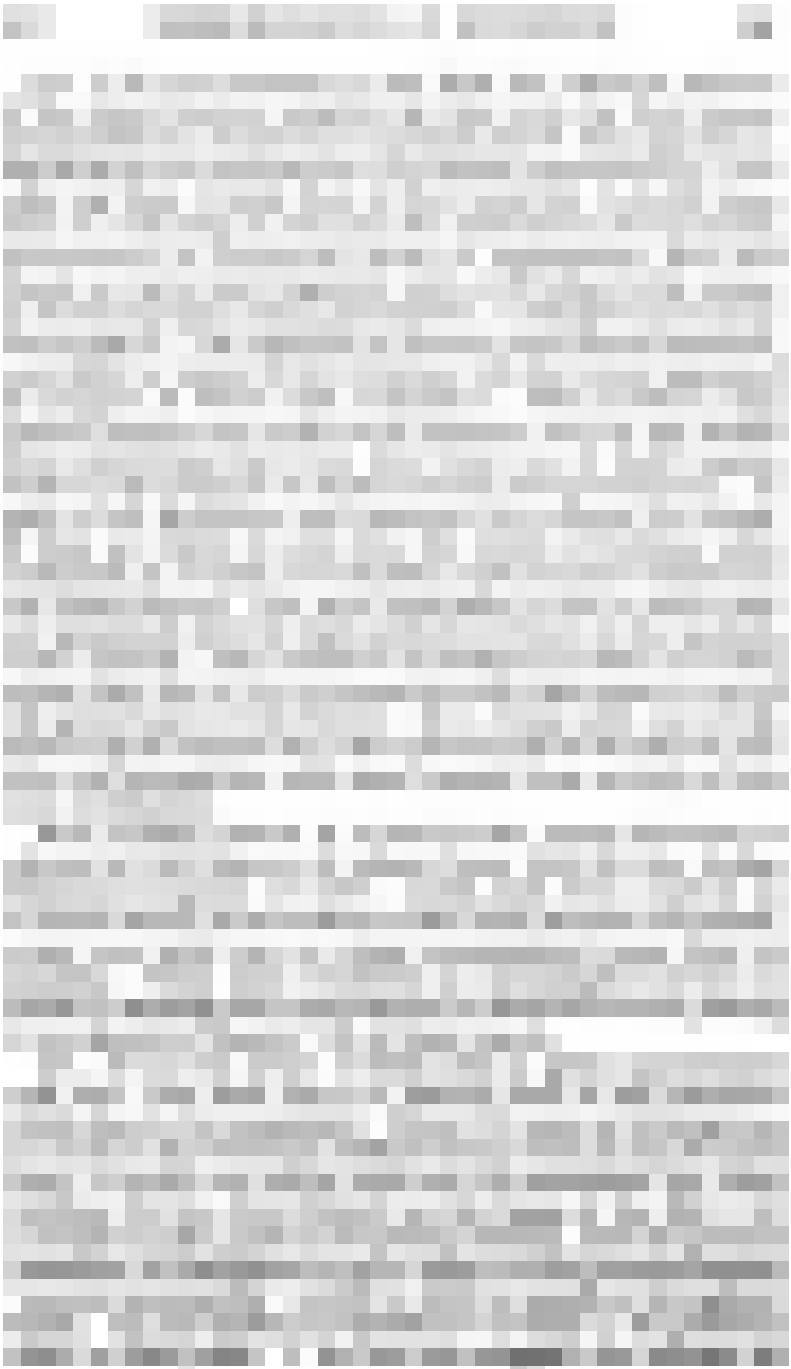

forth in the Joint Address as one for substitution for the scheme in the Bill.

§ 8. I do think, however, there are certain flagrant cases which demand the special attention of this Committee, the cases of Sind, of Orissa, and of the two detached areas in Assam. I hope that members will consider these cases with a large map of India before them. Look at Sind. The Maratha country, the stronghold of Hinduism, is the heart of Bombay. From this country Sind is separated by native states thrust into the middle of which are certain districts inhabited by Gujeratis under British rule. Even from the northern point of these isolated districts Sind is divided by 100 miles. But from Maratha territory, which forms the heart of the Bombay Province, Sind is divided by 260 miles, including, besides the patchwork of British and native territories, Rajputana and an arm of the sea. Geographically, Sind is the estuary of the Indus, which connects it closely with the Punjab. In race and language it has no affinities with the rest of Bombay. In religion it is almost entirely Mohammedan, which counts most of all in India. That its conquest was effected from Bombay is a chronological accident, due to the fact that it took place before British rule was established in the Punjab. Napier's conquest of Sind was an act difficult to justify. Had it not been hastened by an impetuous soldier, we should have come into touch with its emirs later on by way of the Punjab down the Indus valley, and it is pardonable to hope that Sind would then have been treated on the same lines as Rajputana.

§ 9. The incorporation of Finland with Prussia in one province of the German Empire would be less absurd. So long as a government contains no real element of popular control, such forced and unnatural unions are of small account. A Director of Education who is a European by race, a Christian by religion, and an Englishman by speech is just as acceptable to Mohammedan Sindis as to the Marathas three or four hundred miles away. But the moment you substitute a minister responsible to an overwhelming majority of Hindus the case is entirely altered. Does Parliament really propose to hand over the control of education in this Moslem territory to a Hindu majority living in a country hundreds of miles distant, with no more racial and linguistic affinity to Sind than Prussia has to the people of Finland ?

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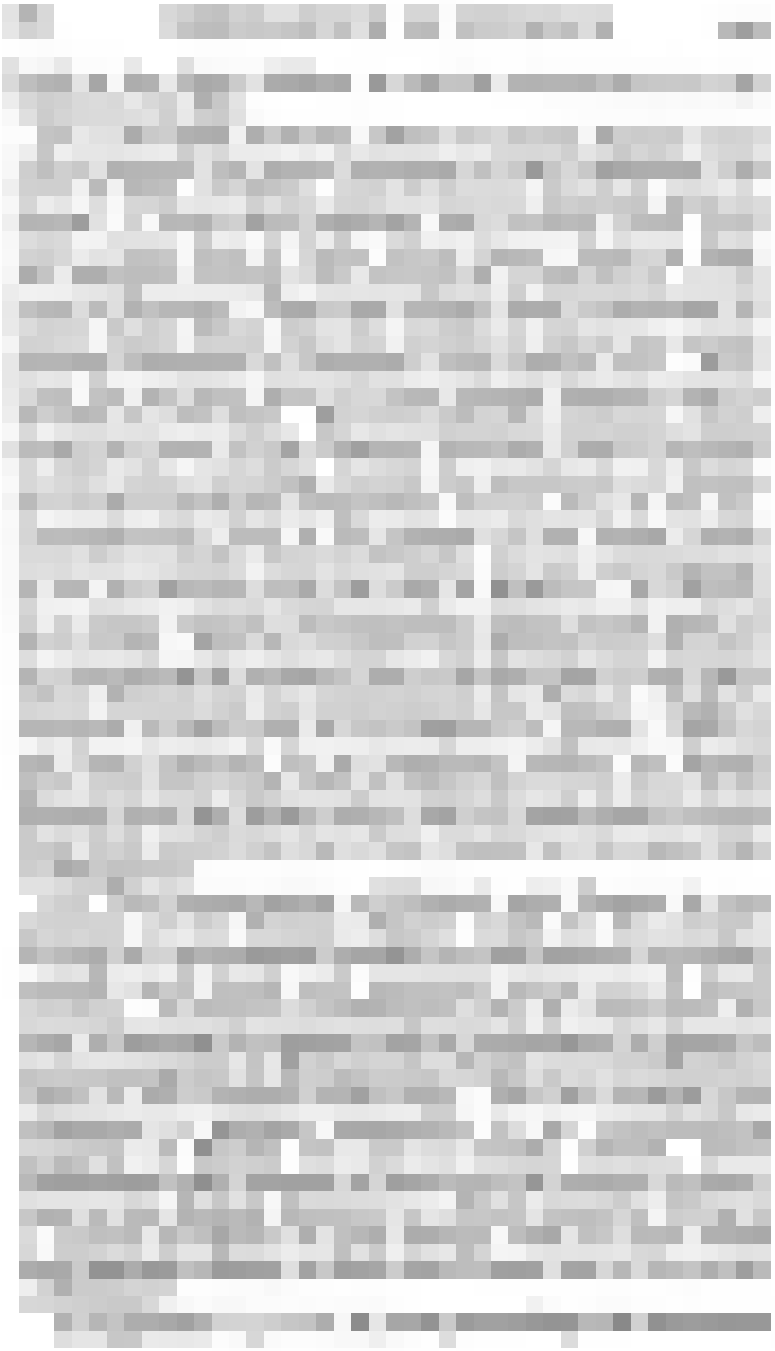

is made that Sir Francis Younghusband urged the necessity of giving Sind an administration of its own, and I venture to suggest that his views on the subject might be elicited.

§ 10. A glance at the map as re-drawn since 1911 is sufficient to establish the case for Orissa. In that year government decided to reconstitute Bengal on racial and linguistic lines as opposed to religious divisions. In pursuance of the same policy the claims to a separate administration of the Hindi-speaking people of Behar were recognized, and a province was instituted centring on the middle plains of the Ganges Valley, with its northern boundaries resting against the Himalayan ranges of Nepal. Under the thin pretence of giving this province a seaboard, Orissa was thrown in with Behar in cynical disregard of the very principles upon which the whole rearrangement was justified. But as the map shows, the British territories of Orissa are separated from Behar by a wide and mountainous tract of native territories, at its narrowest point 60 miles wide. No attempt was made to restore the Oriyas included in the Central Provinces and the north-eastern corner of Madras to unity with their kinsmen in Orissa. So much was done as would satisfy demands which were vocal at the moment, and no more.

The Oriyas came to Calcutta to lay their case before the Secretary of State and the Viceroy, but the only public reference to the fact that I can find is contained in a note of my own book. In the passage to which that note is appended I tried to show how vital to the whole policy set forth in the pronouncement is the question of language. In India the official and political classes both incline to talk as though the progress of India towards responsible government depended on training Indians to the work of ministers, legislators, and officials. From first to last I say it depends upon training electorates to a real understanding of the question at issue, and to a habit of recording conscious decisions upon them. Such training will not begin in any real sense except in so far as provincial business is transacted and discussed in a language the people at large understand. So far as I can find, the Joint Report devotes less than five lines to the whole topic.[1] I venture to say that the question is of infinitely greater importance than the issue between the Brahmins and Non-Brahmins upon which pages of evidence have been given. The key to that lesser problem will in fact be found in the answer to the greater one. The

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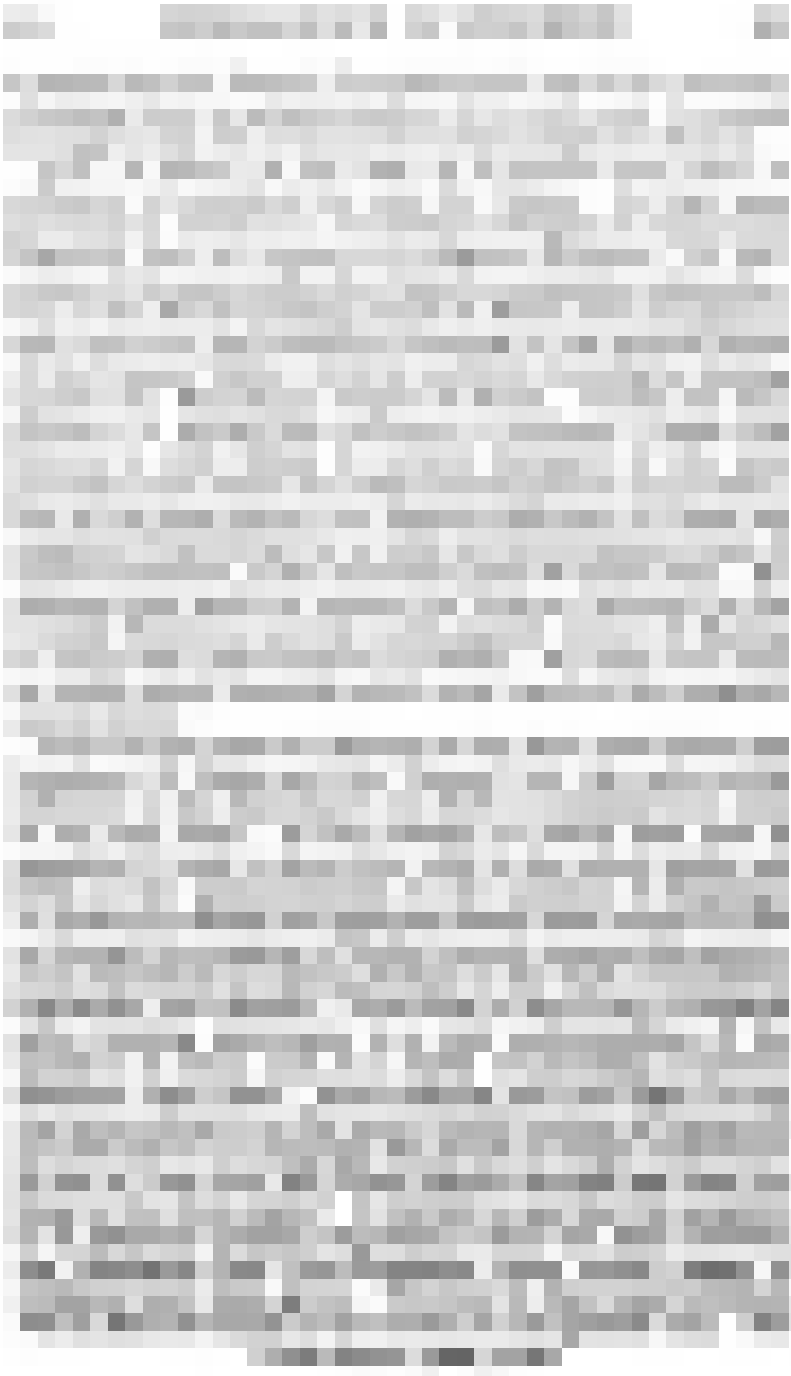

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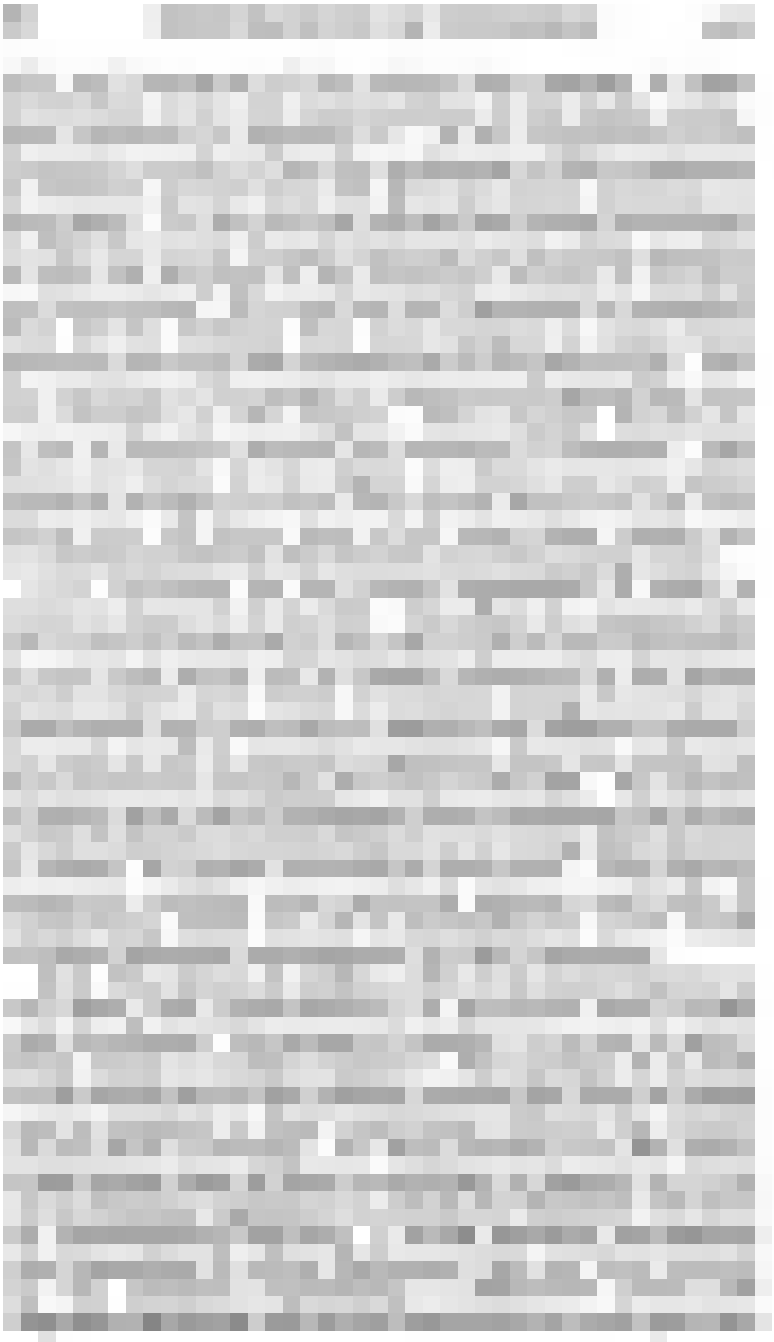
§ 11. Provision for the future adjustment of areas is made in clause 12 of the Bill. The effect of a measure like this will be determined by the policy of those who administer it, and their minds will be largely influenced by the terms of the report upon which it is based, except in so far as Parliament may pronounce a definite and different opinion. So much is left to executive regulation that this cannot be done merely by amending the terms of the Bill. On matters of policy upon which Parliament after considering the advice of this Committee hold the Report to be wrong, there should, I submit, be specific instructions laid down. The Report, moreover, contains some equivocal phrases, seed-beds of controversy, which can all be forestalled by a few words of plain definition superimposed by this Committee.

§ 12. The dictum in § 246, p. 200 of the Joint Report, to the effect that redistributions of provincial areas should only be effected ' by process of consent ', is a case in point. From whom is consent required ? The question is as vital to the whole issue as the question whether the Poles in Silesia can be reunited to their countrymen without the consent of the whole of Prussia. To bring matters to a fine point, is the future claim of Sind to autonomy to depend on a vote of the Bombay Legislature in which the Marathas will have an overwhelming majority. I would earnestly recommend the Committee to advise Parliament that any clear request by the members representing a distinctive racial and linguistic territorial unit for its constitution as a sub-province



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may be taken as a *prima-facie case*, on the strength of which the Secretary of State may appoint a commission of inquiry.[1] Such a declaration will at once answer the queries raised by Mr. Sastri.[2]

§ 13. The Secretary of State, whose courtesy and patience in eliciting every point of view, including my own, I must gratefully record, will allow me to repeat a remark which I often made to him in India. Having once fixed upon the basic principle of policy, it was, I submitted, a mistake to think that it must be embodied in one hard and fast plan, applicable to all the provinces alike. The great merit of dyarchy lies in its elasticity, its capacity for adaptation to the many and different races of a vast and highly diversified country. I suggested that when you had formulated the right plan for Bengal it was likely, from the nature of the case to be the wrong plan for Bombay. I urged, moreover, that variety in the schemes applied to different provinces would furnish invaluable guidance to the Commission ten years hence. When all the resources of previous inquiry and discussion are exhausted my personal opinion of any proposals, including my own, is largely held in suspense until they have been tested in practice. An ounce of actual experience is worth tons of intelligent reasoning exercised in advance. That is why I so regret that the Report and the Bill have not provided for the trial of sub-provinces, at any rate in Madras with its four distinctive races and languages, while applying the proposals of the Report to Bengal. It is too late to do that now. I would not, as I have said, attempt it at the stage things have reached, if the decision were now laid on myself. But if members will open the map of Assam opposite to p. 291 of the blue book Cmd. 123, they will see that here is the case of a minor province crying out for treatment on the lines of the Joint Address. The Government has reported that the greater part of the area shown in red consists of mountainous tracts peopled by primitive tribes which ought to be reserved from the operation of the scheme. The reforms they say are at present applicable only to two valleys completely separated by a high plateau from 40 miles to over 200 miles in width. And yet it is proposed to clamp these two areas together under one system of elective government, for the sole reason that 'the future constitution of Assam must follow the general lines of the Constitutions

[1] See Report of the Joint Select Committee on Clause 15.
[2] q. 3923. See also Report of the Joint Select Committee, § 7, clause 15.

may be taken as a *prima-facie case*, on the strength of which the Secretary of State may appoint a commission of inquiry.[1] Such a declaration will at once answer the queries raised by Mr. Sastri.[2]

§ 13. The Secretary of State, whose courtesy and patience in eliciting every point of view, including my own, I must gratefully record, will allow me to repeat a remark which I often made to him in India. Having once fixed upon the basic principle of policy, it was, I submitted, a mistake to think that it must be embodied in one hard and fast plan, applicable to all the provinces alike. The great merit of dyarchy lies in its elasticity, its capacity for adaptation to the many and different races of a vast and highly diversified country. I suggested that when you had formulated the right plan for Bengal it was likely, from the nature of the case to be the wrong plan for Bombay. I urged, moreover, that variety in the schemes applied to different provinces would furnish invaluable guidance to the Commission ten years hence. When all the resources of previous inquiry and discussion are exhausted my personal opinion of any proposals, including my own, is largely held in suspense until they have been tested in practice. An ounce of actual experience is worth tons of intelligent reasoning exercised in advance. That is why I so regret that the Report and the Bill have not provided for the trial of sub-provinces, at any rate in Madras with its four distinctive races and languages, while applying the proposals of the Report to Bengal. It is too late to do that now. I would not, as I have said, attempt it at the stage things have reached, if the decision were now laid on myself. But if members will open the map of Assam opposite to p. 291 of the blue book Cmd. 123, they will see that here is the case of a minor province crying out for treatment on the lines of the Joint Address. The Government has reported that the greater part of the area shown in red consists of mountainous tracts peopled by primitive tribes which ought to be reserved from the operation of the scheme. The reforms they say are at present applicable only to two valleys completely separated by a high plateau from 40 miles to over 200 miles in width. And yet it is proposed to clamp these two areas together under one system of elective government, for the sole reason that 'the future constitution of Assam must follow the general lines of the Constitutions

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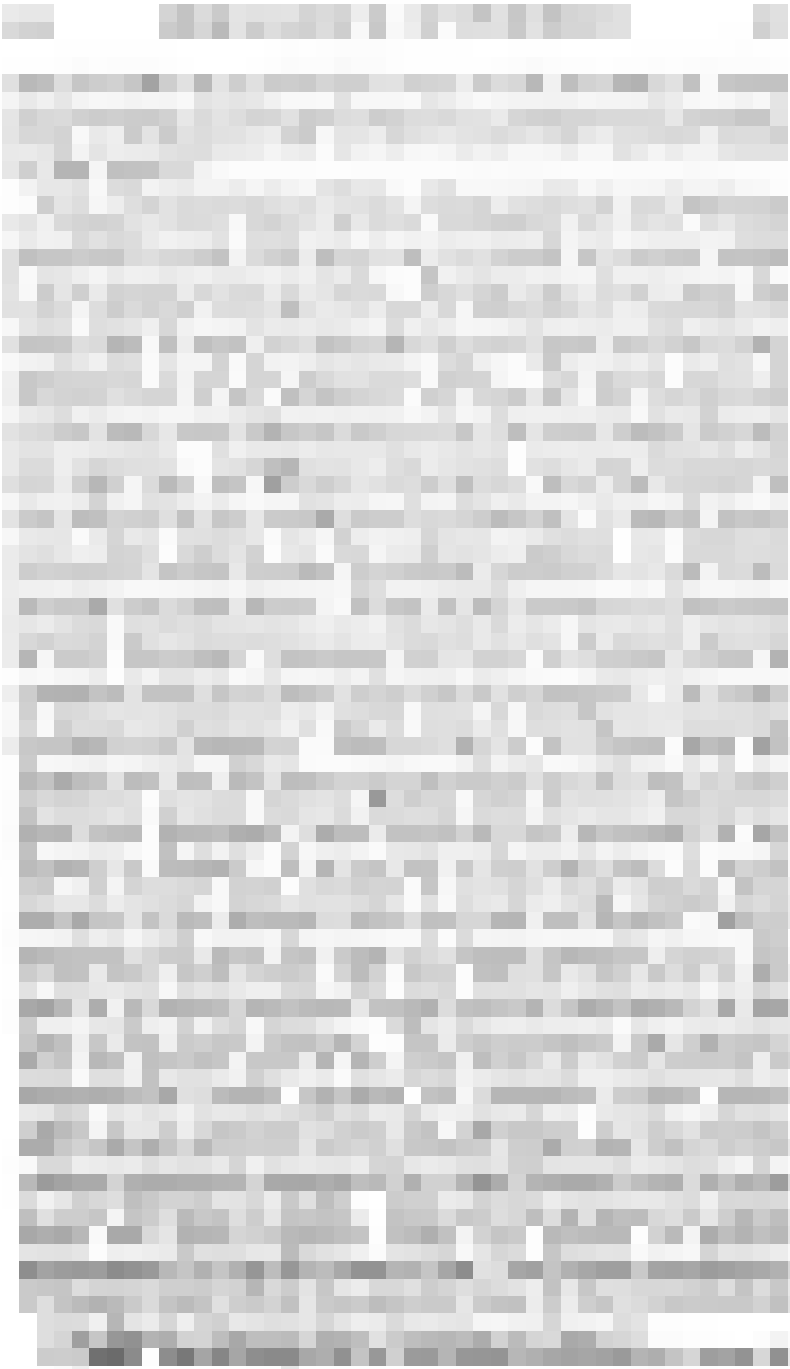

of the other seven provinces'.[1] I commend this sentence as an example of the tendency which ought most jealously to be watched by Parliament when inaugurating the new régime. This iron uniformity is the natural product of a highly centralized autocracy imposed on a vast country from without. It is equally natural that officers who have spent their lives in administering it should come to regard mere uniformity as an end in itself, and this in spite of the fact that they are constantly insisting on the multifarious diversity of conditions in India.

I think the Committee might well consider whether this is not a case for devolution by the provincial government of Assam of the transferred powers to two sub-provinces with executives and elective councils of their own. I should say that the conditions stated in para. 5, p. 291, of the Chief Commissioner's report are substantially met by the kind of scheme outlined in the Joint Address.

§ 14. While members of the Committee have their eyes on this map submitted by the Chief Commissioner of Assam, I would draw their attention to one question of policy which has, I feel, received no treatment in the Joint Report adequate to its future importance. I refer more especially to the narrow red strip dividing the province from the wild tribes to the north of the Indian frontier. The Report recognizes the necessity of reserving the permanent control of territories bordering on the north-west frontier to the Government of India. I am sorry it did not go on to say that such territories must always remain under the control of an authority responsible to the Imperial Government itself. It is much better to say now, before any question is raised, that territories bordering on frontiers which may involve the whole British Commonwealth in war can never be ceded to a future Dominion government in India responsible only to an Indian electorate. I will here refer to what I said on the subject in *Letters to the People of India on Responsible Government*.[2]

My case is that this policy should be applied to all the northern marches of India, so that the Imperial Government will for ever control the extremities of the live wires which connect Europe and Asia with these frontiers. I myself saw a house, right in the centre of these marches, at a point where an obscure trade route from Tibet debouches on the plains, which for years was inhabited by an enemy alien with no ostensible employment, who was

[1] Cmd. 123, § 5, p. 291.

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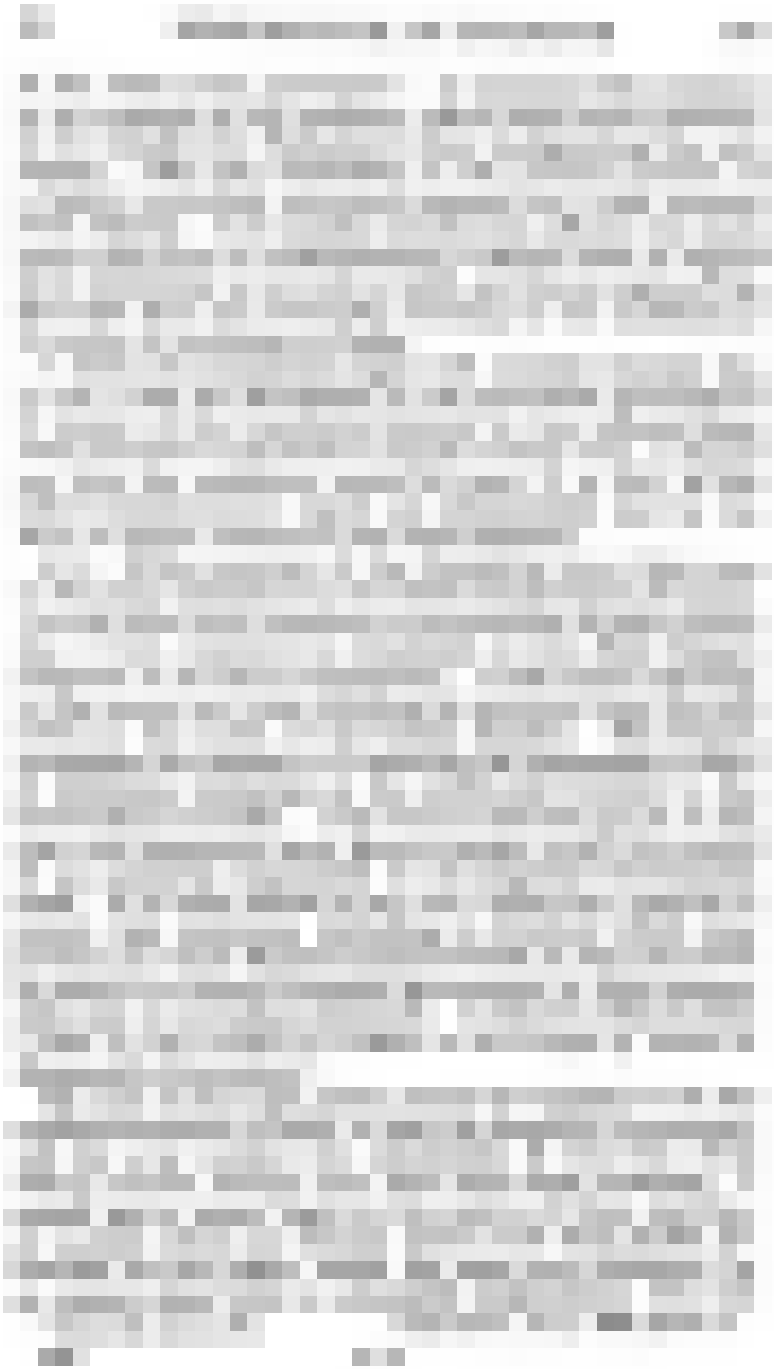

immediately interned at the outbreak of war. I learned from the natives that he was in constant communication with the traders who came through from Central Asia. Frontier questions, moreover, arise from matters of local police administration, which, small as grains of dust, are yet capable of developing dangerous friction wherever the surfaces of great political bodies are in contact. If this reasoning is sound, I submit that the northern strip projected by the Chief Commissioner of Assam should be drawn now as a fence along all the marches of India. It ought to be continued to separate Bhutan, Sikim, and Nepal from the jurisdiction of elective authorities in India, which will presently control the local police.

The case is especially strong for cutting out the mountainous tongue of Bengal in which Darjeeling lies, inhabited as it is by primitive Mongolians of the Bhuddist faith. The mountainous area of Kumaon, west of Nepal, is a single division, absolutely distinct, in its geographical features and the language and race of its people, from the plains which strike the mountain wall like the sands of a shore at the foot of a cliff. A strip reserved to cut off the mountain area would include Sialkot and the great British cantonments of Rawal Pindi. The thing can be done now with a stroke of the pen. A generation hence it may only be done at the cost of a violent controversy. Effect can be given to this policy by inserting in Clause 12, subsection 2, line 2, the words 'or frontier' between the words 'backward' and 'tract'.

8. In particular, do you think—(i) that Ministers should hold office 'during pleasure'—i. e. should be liable to removal if they are unable to support the action decided upon in their Department by the Governor or if they fail to retain the confidence of the Legislature? (Clause 3 (1).)

§ 1. On the question whether ministers should hold office 'during pleasure', I recorded my views in a memorandum on the Joint Report, which, about this time last year, I was invited to prepare for the Departmental Committee presided over by Mr. Charles Roberts. As I have not altered my views on this subject, I here propose to repeat what I then said:

§ 2. 'The problem is to graduate the transition from pure autocracy to responsible government. Two ways of doing this, and two only, have been suggested. The one suggestion

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is to make executives responsible for the same things, partly to the Secretary of State and partly to electorates. The other is to create executives responsible for some things to electorates, while leaving the old executives responsible for all other things to the Secretary of State. The argument against the first principle is conclusively stated in Chapter VII of the Joint Report. It is there demonstrated that you cannot make one executive responsible to two authorities without destroying responsibility and bringing government to a standstill. The authors of the Report, therefore, fall back on the only alternative of dividing the functions of government and assigning them to two different executives, the one responsible to the Secretary of State, the other to electors. But in their anxiety to conciliate criticism, they try to mitigate the process by resort to the first principle. Hence the extraordinary complications of a scheme the first requirement of which was simplicity. In their anxiety to graduate the process they plead that, to begin with, ministers though selected from members elected to the legislative council, are not, for the first five years at least, to be responsible to that body. They are to be responsible to the governor, and yet they are not to be so altogether, for they are also to be responsible to the constituencies. This duplication of responsibility is to be procured by the fact that their reappointment will depend on their re-election. When the time comes to make them responsible to the legislative council the change is to be effected by the simple process of transferring to the council the right to withhold their salaries, which, for the first five years, is to be included in the reserved subjects.

§ 3. 'To begin with, a good deal is made of the idea that ministers are to be responsible, not to the legislative councils, but to their constituents. Then, by an easy, but false, transition, the Report slips into talking as though ministers were responsible "to the Indian electorate".[1] As a matter of fact, they will only be responsible to three out of, say, thirty constituencies, or about one-tenth of the electorate. The proposal is bad in principle, because it encourages ministers from the outset to study the interests of their own constituents, instead of feeling that as ministers they are concerned with the interests of the electorate as a whole. The evil will be aggravated where a minister is elected by a communal electorate. A Moslem minister may be felt to have given undue preference to his co-religionists. But

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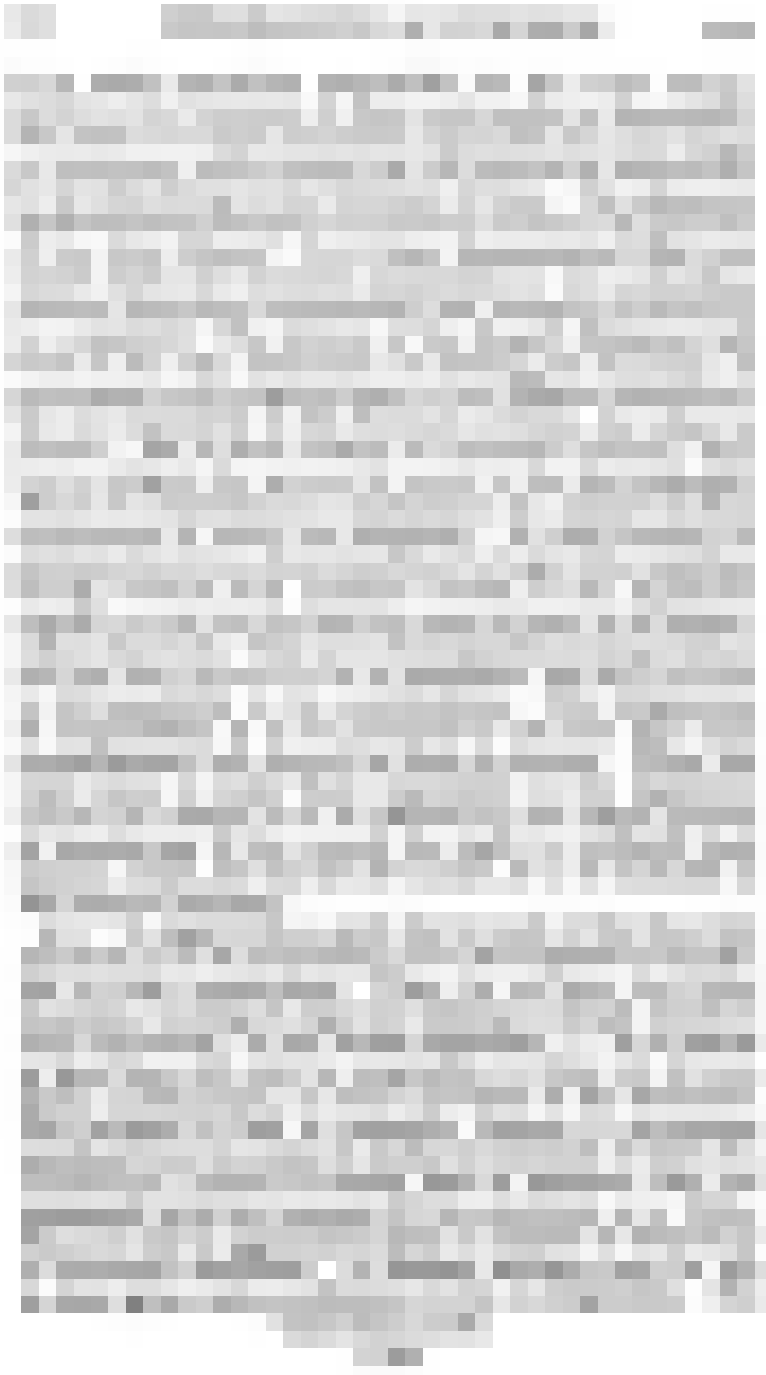

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he cannot be called in question at the next election, because every one of his constituents will be Moslems.

§ 4. 'I do not, however, lay great stress on this point, because the intentions of the Report will scarcely be realized in practice. The Report repeatedly lays stress on the fact that there must be a means of harmonizing the action of executive and legislature. In the last resort the executive must be able to overrule the legislature, or else the legislature must be able to change the executive. In the latter case, this is done by a vote of want of confidence, or, in the last resort, by withdrawing supply. And the power to withhold supply for transferred services is granted. The legislature can render the position of ministers untenable whenever the budget comes up to be voted.

§ 5. 'The proposal that after five years ministers may be rendered responsible to the legislature by having their salaries included in the transferred subjects, surely betrays some confusion of thought. The idea is, I suspect, a false analogy from the proposal made in section 294, that the salary of the Secretary of State should in future be voted by Parliament. The object is simply to secure discussion of Indian affairs before the fag-end of the session, when members are jaded and anxious to be off. The Secretary of State will scarcely suggest that he is not now, as a member of the ministry, responsible to Parliament, or that the voting of his salary will make him more so. If Irish secretaries are changed more freely than those of India, it is only because Parliament is more nearly interested in Ireland. Nor am I aware that the positions of Mr. Wyndham and Mr. Birrell were rendered untenable by Parliament refusing to vote their salaries. Both resigned because the ministries to which they belonged would have fallen if they had not.

§ 6. 'The real truth is that a minister is responsible to the ministry of which he is a member. He is only responsible to Parliament as a part of the ministry. If he feels that his duty to his colleagues is no longer compatible with his duty to Parliament and the electorate, he must resign office. So, too, the ministry may ask a colleague to resign because his views or conduct are not compatible with the policy for which they are answerable to the legislature. The executive is a unit, and its existence as such is threatened by one discordant or unacceptable member. A motion to reduce a minister's salary is a common device for raising a debate on some administrative question. Its adoption by Parliament is often the signal for a whole ministry to

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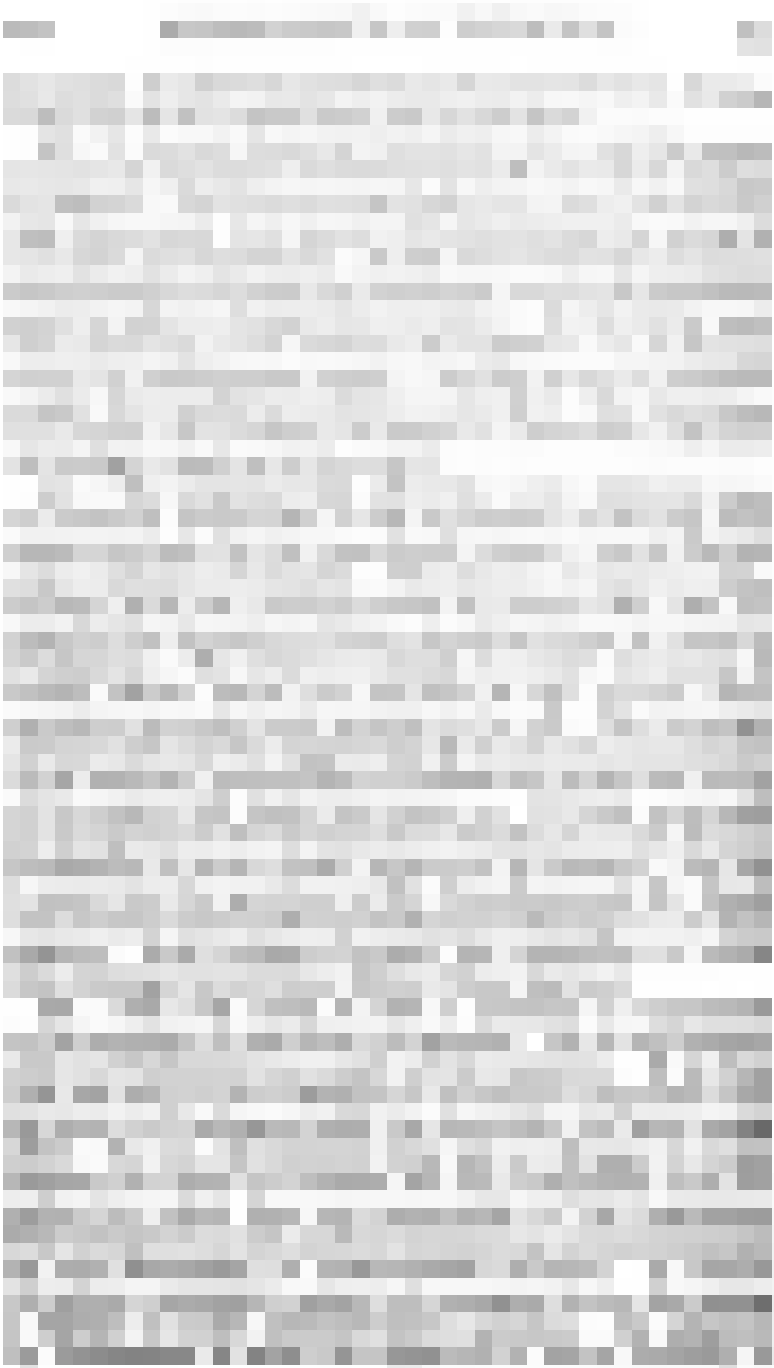

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§ 7. 'This power the legislative council is to have, so far as the estimates submitted by ministers are concerned.[1] Now, is it intended that during the first five years ministers should retain office if the legislative council rejects their estimates? If so, the scheme is exposed to the main objection which in Chapter VII the Report urges with unanswerable force against the Congress–League scheme. To use their own words: "There is in these proposals no connecting-rod between the executive and the legislative wheels of the machine which will ensure that they will work in unison".[2] And again, "if the executive attempted to overcome the legislature there would be conflict and agitation; if it gave way, then it would become merely the agent of the legislature and might as well be chosen from and by the legislature at once."[3] Can any one doubt that the latter alternative would prevail? In that case the so-called transitional stage when ministers are responsible to three of the constituencies and the legislature cannot withhold their personal salaries, will prove an illusion.

§ 8. 'In practice, therefore, the legislative council will from the outset of the experiment be able to make the position of all or any of the ministers impossible by withholding supply. But what advantage is gained by encouraging the idea at any stage that ministers are individually and not collectively responsible to the legislature? The whole experience of the British and American Commonwealths, in every part of them, points to the principle of unity in the executive. The Report refers to it as one of the lessons of the past in India.[4] Why ask India, then, to learn the difficult art of self-government in a temporary machine which violates that principle? What harm is done if Indian ministers are encouraged from the outset to realize that there must be unity in all executives to which they belong? And in this respect it matters not whether those executives are responsible to the Secretary of State or to an electorate. On the contrary, there is everything to be gained by training them in the habit of loyalty to each other, and in making

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MALABAR HILL BOMBAY

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§ 9. I am glad to see that in Clause 3 (1) of the Bill the confusing proposal to make ministers responsible to electors but not to those they elect is abandoned, and that they will hold office 'at pleasure' from the outset. In passing I note that Mr. Welby did not seem to have grasped this fact.[2]

§ 10. The point, however, has been taken by the Drafting Committee. But, strangely enough, while the Bill provides that ministers should hold office during pleasure, the governor is saddled with the duty of fixing salaries. This surely is exactly the kind of power which ought to be transferred to the legislative councils from the outset. Can any one argue that public order or the interests of the depressed classes are jeopardized if ministers are left to propose the scale of their own salaries, or if the elected councils are left to sanction them? I submit that it is not only better for the councils to have this duty to discharge, but that they can discharge it better than the governor. One great difficulty in transferring authority in India from the British to Indian administrators is the financial transition. The pay necessary to enable an Englishman to live in tropical exile is of necessity far higher than that needed by the Indian administrator in his own country. I think there is a strong case for paying Indian officials who have to live in London more than their European colleagues. But is India to be saddled with the tradition that her own ministers are always to be paid on the scale necessary for Europeans in India? If you put this responsibility on the British governor, he can do nothing else than give European salaries to the minister. It would be more honest to put it in the Bill straight away. The money will be deducted from the fund available for education and other transferred subjects. Then why withhold from the legislative councils the responsibility of deciding what this deduction for emoluments payable to their own ministers ought to be?

Personally I do not share Sir James Meston's hope that ministers will always be whole-time men.[3] I should be very sorry to think that a partner in Messrs. Tata's firm or the

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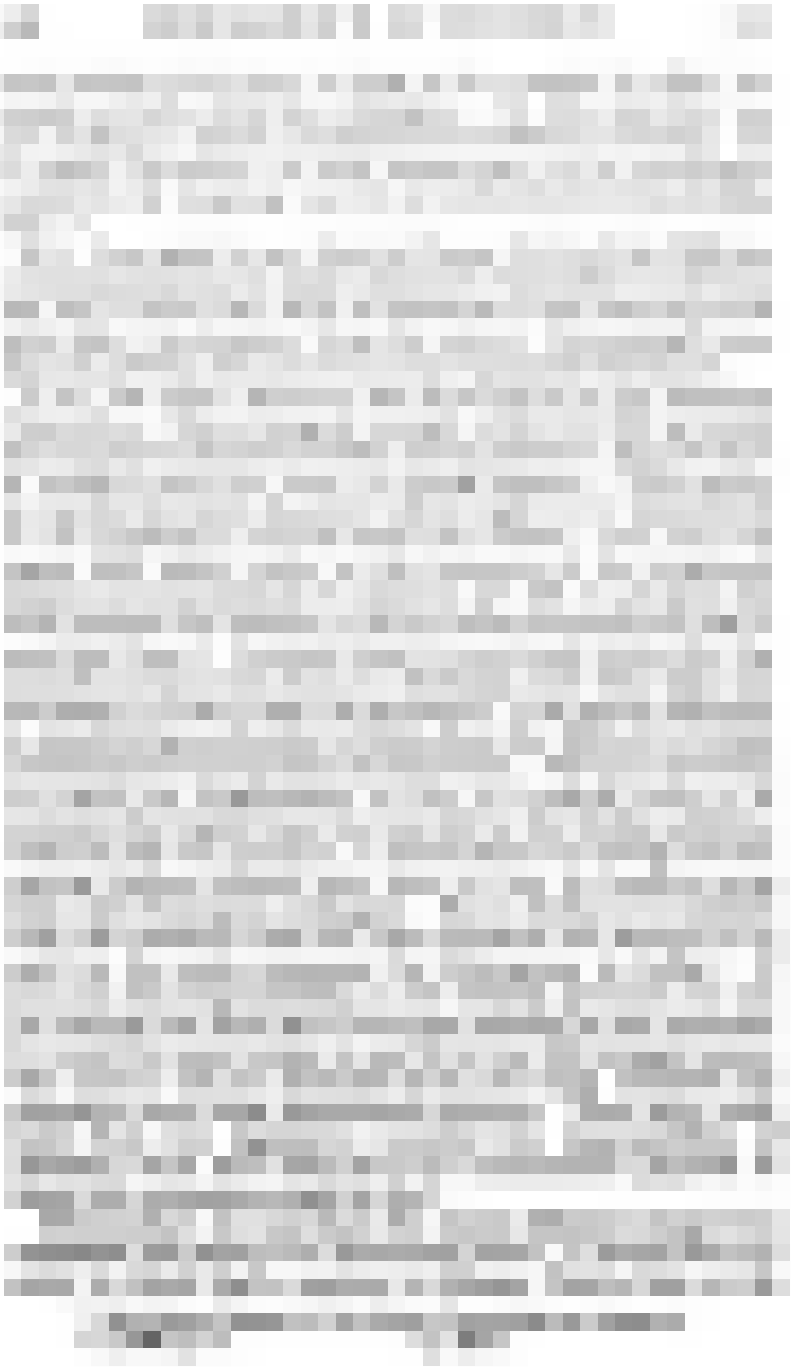

owner of a cotton mill could not become minister of education without retiring from business. That India has in the past been governed by professional civil servants is no reason why in the future she should be exclusively governed by professional politicians. This is one of the transitions which the institution of sub-provinces would have made much easier.

I recommend the Committee in Clause (1), line 36, to substitute the words 'Legislative council' for 'Governor'.[1]

§ 11. The proposal that ministers should be responsible not to the legislature, but only to their own constituencies, though now dropped, has left serious confusion in its train. It seems to have prevented the authors of the Report, and also the Government of India, from thinking out the all-important question of *the corporate responsibility of the ministry*. Such corporate responsibility is precluded by Clause 3 (3) of the Bill. In a perfectly clear question[2] Sir John Rees raised the point; but in his replies the witness confused the whole subject with the question whether the executive council and the ministry should be jointly responsible for the acts of both bodies. Another attempt was made by Lord Sinha with a different witness in Questions 1345 and 1346 with the same result. With Mr. Aiyar, however, Lord Sinha succeeded better, and in Question 1589 that witness gave a clear and decided opinion in favour of the corporate responsibility of the Ministry.

§ 12. The confusion which continues to pervade this whole subject has its source in paragraphs 216, 221, 222, and 223 of the Joint Report. Nor do I see how it can be disentangled without first making a clear, unequivocal definition of the relations which are to exist between the executive council and the ministers. Then and then only is it possible to grapple with the no less important task of defining the relation of ministers to each other and to the governor. I must therefore begin by repeating what I wrote to the Drafting Committee on this subject last year:

§ 13. 'To entrust electorates with real powers in certain specific departments, leaving the rest to the existing administrations, is the only way out of the vicious circle, within which India now moves. It means the co-existence of two authorities in the same area, each actuated by different mainsprings, the one responsible for specific functions to Indian electorates, the other responsible to Parliament in

[1] See below, Report of the Select Committee on clause 4.
[2] q. 1331.

owner of a cotton mill could not become minister of education without retiring from business. That India has in the past been governed by professional civil servants is no reason why in the future she should be exclusively governed by professional politicians. This is one of the transitions which the institution of sub-provinces would have made much easier.

I recommend the Committee in Clause (1), line 36, to substitute the words 'Legislative council' for 'Governor'.[1]

§ 11. The proposal that ministers should be responsible not to the legislature, but only to their own constituencies, though now dropped, has left serious confusion in its train. It seems to have prevented the authors of the Report, and also the Government of India, from thinking out the all-important question of *the corporate responsibility of the ministry*. Such corporate responsibility is precluded by Clause 3 (3) of the Bill. In a perfectly clear question[2] Sir John Rees raised the point; but in his replies the witness confused the whole subject with the question whether the executive council and the ministry should be jointly responsible for the acts of both bodies. Another attempt was made by Lord Sinha with a different witness in Questions 1345 and 1346 with the same result. With Mr. Aiyar, however, Lord Sinha succeeded better, and in Question 1589 that witness gave a clear and decided opinion in favour of the corporate responsibility of the Ministry.

§ 12. The confusion which continues to pervade this whole subject has its source in paragraphs 216, 221, 222, and 223 of the Joint Report. Nor do I see how it can be disentangled without first making a clear, unequivocal definition of the relations which are to exist between the executive council and the ministers. Then and then only is it possible to grapple with the no less important task of defining the relation of ministers to each other and to the governor. I must therefore begin by repeating what I wrote to the Drafting Committee on this subject last year:

§ 13. 'To entrust electorates with real powers in certain specific departments, leaving the rest to the existing administrations, is the only way out of the vicious circle, within which India now moves. It means the co-existence of two authorities in the same area, each actuated by different mainsprings, the one responsible for specific functions to Indian electorates, the other responsible to Parliament in

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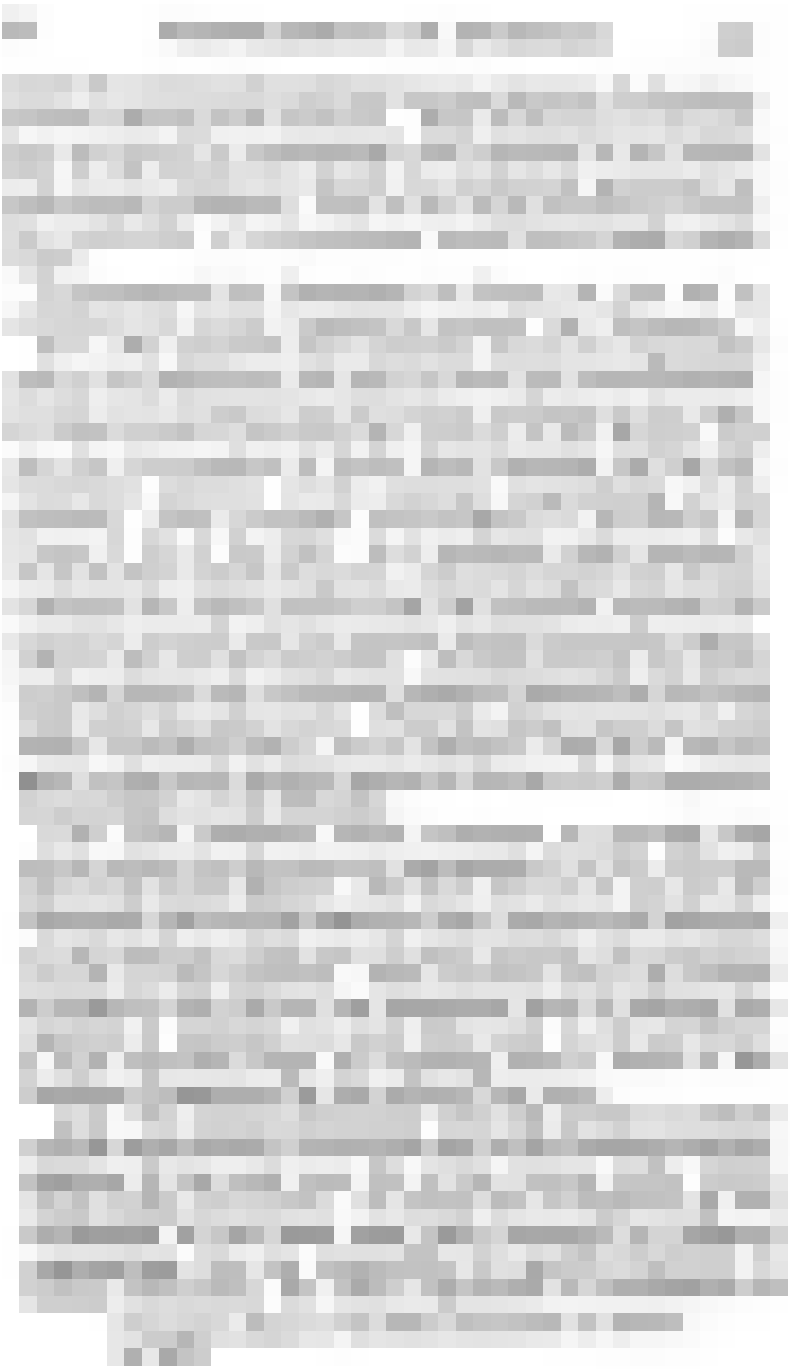

England. . . . To men used only to a highly centralized bureaucracy, the idea of two authorities with separate mainsprings co-existing in one area seemed patently absurd. The term "dyarchy" was applied to mark that absurdity. But the demonstration is unconvincing to those who have lived under the system and seen it in operation. The argument proves too much, for, if it is sound, then the system which actually exists in Switzerland, America, Canada, Australia, South Africa, and a large number of other countries would be logically and practically impossible. In any given part of these States we know as a matter of fact that two authorities do co-exist. Each of those authorities responds to a different electorate—that is to say, a separate mainspring. Not uncommonly those two mainsprings are in actual opposition to each other. In practice the conflict is minimized by the fact that so far as is possible each authority is dealing with different subjects. That is the essence of dyarchy. The separation is always imperfect, and some friction is the natural result. I have yet to hear of a system of government whose various organs work without it. In the federal systems to which I have referred the separate mainsprings are in the last resort harmonized by the constitution, in which there exists a superior authority to which both are amenable, if once it is called into play.

§ 14. 'There are practical difficulties inherent in dyarchy as there are in applying all principles to practice. No skill can eliminate friction. The artificer's task is so to contrive that the heat generated will not be sufficient to melt the bearings and bring the machine to a standstill. No motor will ever be invented which will leave airmen free of anxiety. The records of any federal country will show the difficulties inherent in dyarchy. That the system will present even greater difficulties when applied to the highly centralized mechanism of India is obvious. But they have to be faced for the simple reason that we are pledged to approach responsible government by stages, and we cannot do so except by specific devolution, which means dyarchy. Dyarchy is inherent in the policy enunciated on August 20, 1917. The difficulties are greatest at the outset. They arise mainly from the system which treats all administrative and many judicial departments as auxiliary to one general administrative corps, which has its representative at the head of each district and division. The local officers of the public works, forestry, medical, or educational departments may not be actually subject to the district officers. But

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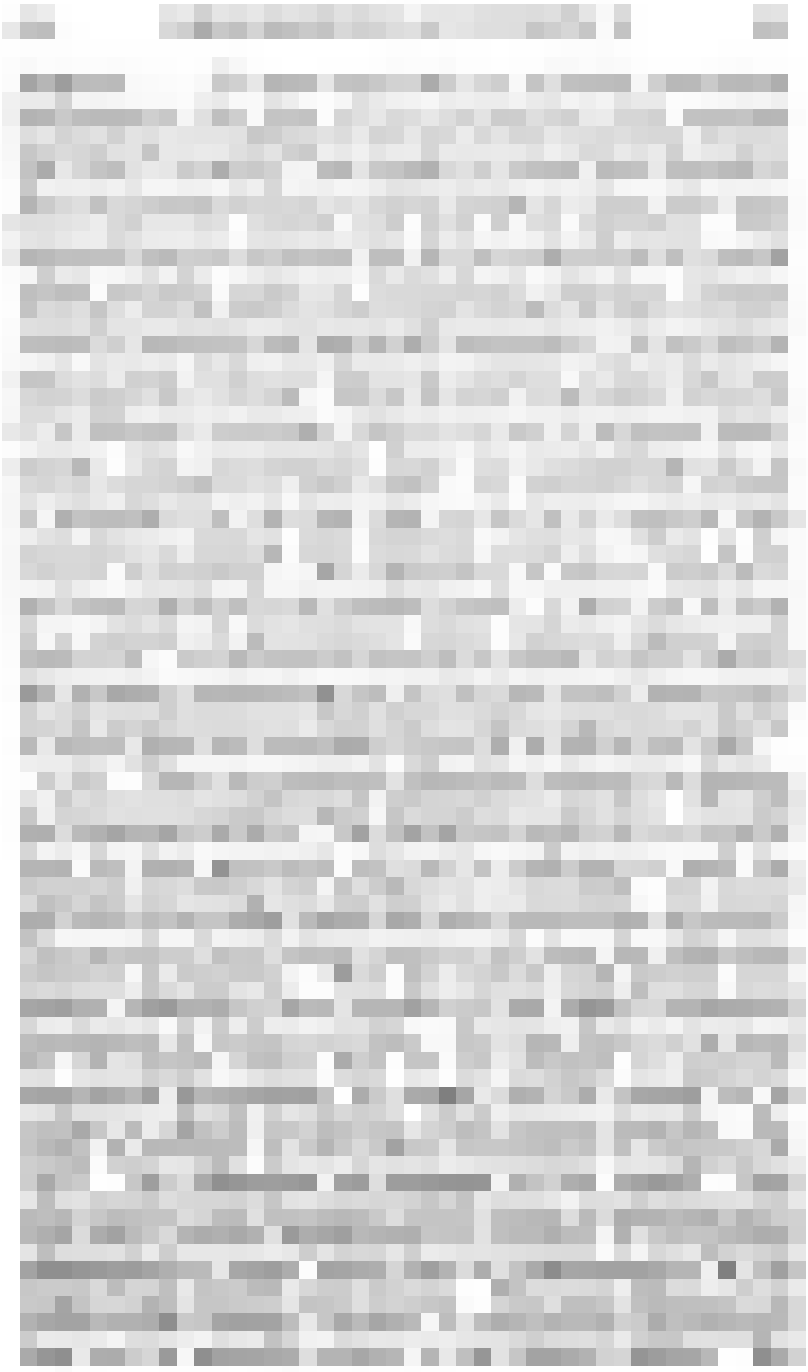

often, if not usually, the heads of these departments are drawn from the I.C.S. In any case they all take their orders from a government in which no officer of the technical departments ever finds a place. Members of the I.C.S. are the controlling factor in all the provincial governments. This arrangement is, I believe, on the whole the best which could have been devised for India so long as no intention existed of guiding its people towards responsible government. It is the natural development of a system in which every officer is finally responsible to an authority absolutely detached from the people he administers. But to many of these officers this system in which they have spent their whole working lives is as part of the order of nature itself. Administrative changes such as dyarchy involves appear to them almost as proposals to reverse natural laws. . . .

§ 15. 'To objections of this character the Joint Report replies with unanswerable force in the following passage:

'"No doubt we shall be told—indeed, we have often been told already—that the business of government is one and indivisible, and that the attempt to divide it into two spheres controlled by different authorities, who are inspired by different principles and amenable to different sanctions, even with the unifying provisions which we have described, is doomed to encounter such confusion and friction as will make the arrangement unworkable. We feel the force of these objections. We have considered them very anxiously, and have sought out every possible means of meeting them. But to those critics who press them to the point of condemning our scheme we would reply that we have examined many alternative plans, and found that they led either to deadlock or to more frequent or greater potentialities of friction. Such destructive arguments, as far as we can discover, are directed not so much against our particular plan, but against any plan that attempts to define the stages between the existing position and complete responsible government. The announcement of August 20 postulated that such stages could be found; indeed, unless we can find them, it is evident that there is no other course open than at some date or other to take a precipitate plunge forward from total irresponsibility to complete responsibility."[1]

§ 16. 'As an answer to the critics of dualism these words are complete. Why, then, run away from a criticism which will not hold water, and pretend that the plan adopted does

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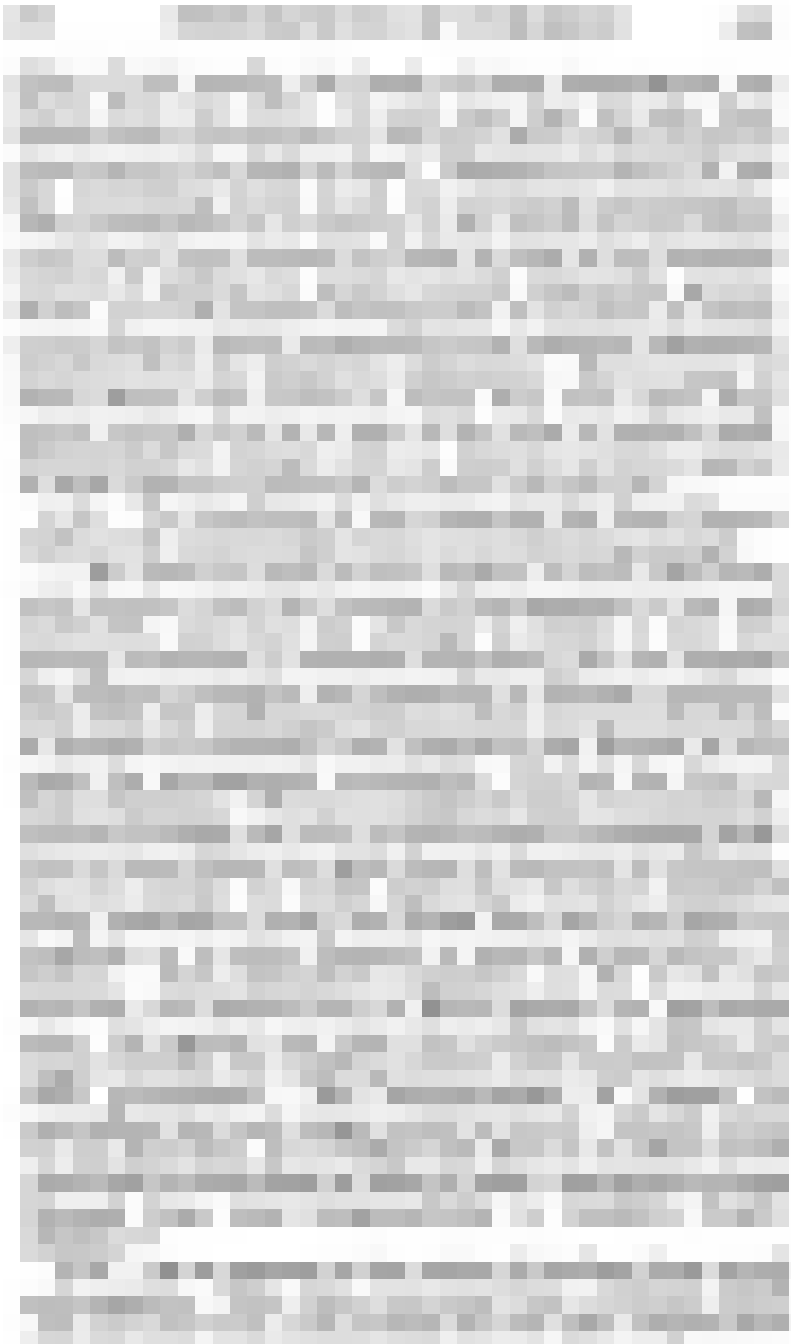

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not erect two governments side by side? Why try to veil the dualism with a thin disguise which can only entangle the feet of those who wear it, and trip them up? We are told that powers are to be transferred to ministers answerable to the legislature and electorate. The rest are to be reserved to executive councils responsible to the Secretary of State. What, then, is the sense of saying that one government is not to "be regarded as official, and one as Indian"? Why ask us to assume "that the machine of government must, as far as possible, be single and not dual, both in its legislative and executive aspects"?[1] Or that "It is highly desirable that the executive should cultivate the habit of associated deliberation and essential that it should present a united front to the outside"?[2] In all this there is too much faith in the power of words. The signatories of the Report tell us that "by entrusting the transferred portfolios to the ministers we have limited responsibility to the Indian electorate to those subjects in which we desire to give responsibility first. We have done this without now or at any time depriving the Indian element in the government of responsibility for the reserved subjects". And presently they add, "It is our intention that the decisions of the government should be loyally defended by the entire government, but that the ministers should feel responsibility for conforming to the wishes of their constituents." But in years to come the feelings of ministers will be determined by the facts before them, and not by the intentions of the Secretary of State and of the Viceroy recorded in the year 1918. Suppose that the executive council decide that internments are necessary to "the peace and tranquillity of the province", we can say with certainty that in nine cases out of ten, ministers, legislators, and electorates will object. Ministers will oppose the internment in council, and is it in the nature of things that they should defend them in the legislature and constituencies? And if they do, what then of the responsibility which they are asked to fill for conforming to the wishes of their constituents? Responsible government is not merely a question of feeling. It means that at the next election the constituents can deprive ministers of their seats. It also means that, by withholding supply, legislators can render their tenure of office impossible. I venture to predict that the phrases of this Report will not prevail with ministers faced by such situations. They will not defend the action of the executive

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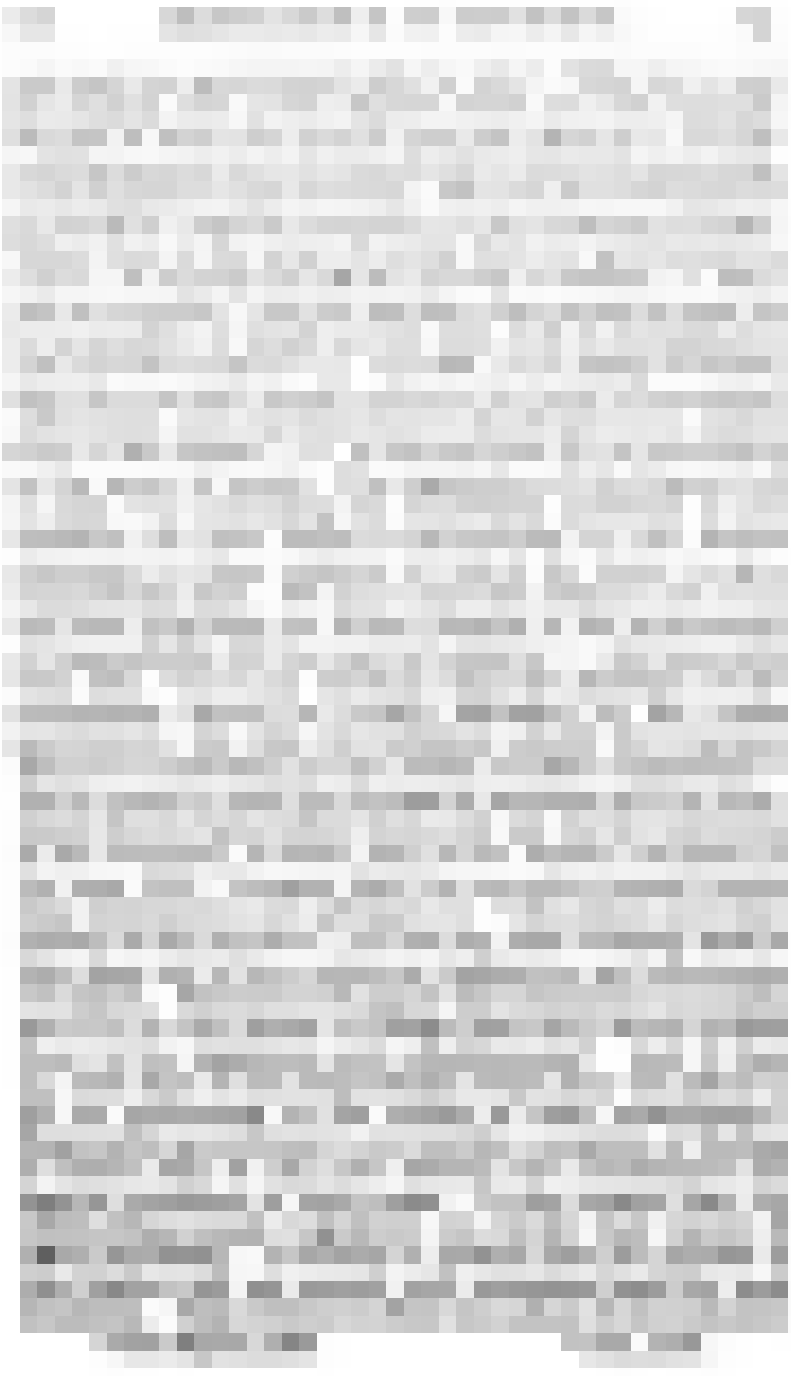

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§ 17. 'The position of executive councillors is equally difficult. Let us take a case which may easily and constantly occur. Suppose that the ministry includes two Hindus and one Moslem, and the executive council one European and one Moslem. Let us also suppose that some Moslem master or inspector may become the target of a Press agitation, and ministers may decide to remove him from his post. The executive council, believing the removal to be a grave act of injustice, may vainly endeavour to dissuade ministers. In virtue of the powers transferred to them, ministers persist and the man is removed. The government is attacked in the legislature by the Moslem minority. The Moslem who has been outvoted by his Hindu colleagues has then to decide whether to defend them or resign—a perfectly regular position—because the Hindu Ministers have to reckon with the chance of destroying their own ministry, and take the risk. The executive council, however, are called upon by the standing instructions of the Secretary of State "loyally to defend" a decision made by the votes of two Hindu ministers, to which they object and over which they have no control. Cases will occur in which the members of the executive will feel that it is due to their own self-respect to resign, and no self-respecting successors will be found to take their place. This will be the least objectionable alternative. For if, in practice, executive councillors are found to be willing to retain office and defend in public each and every decision which ministers may make, they will thereby destroy any efficacy the system might have as a training in responsible government. The governor can only use his power to overrule ministers in extreme cases; otherwise the representatives of the Secretary of State are to stand by them and justify in public every mistake and injustice against which they have vainly remonstrated in private.

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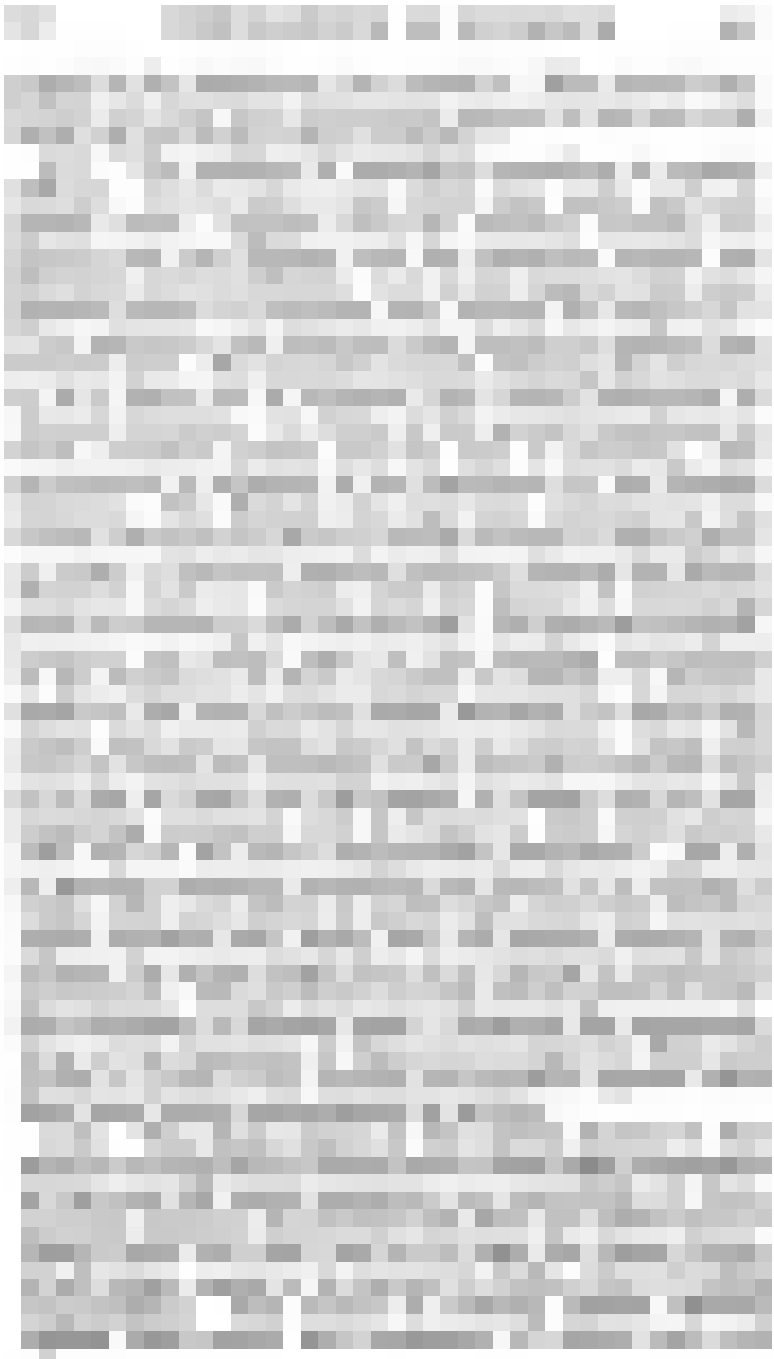

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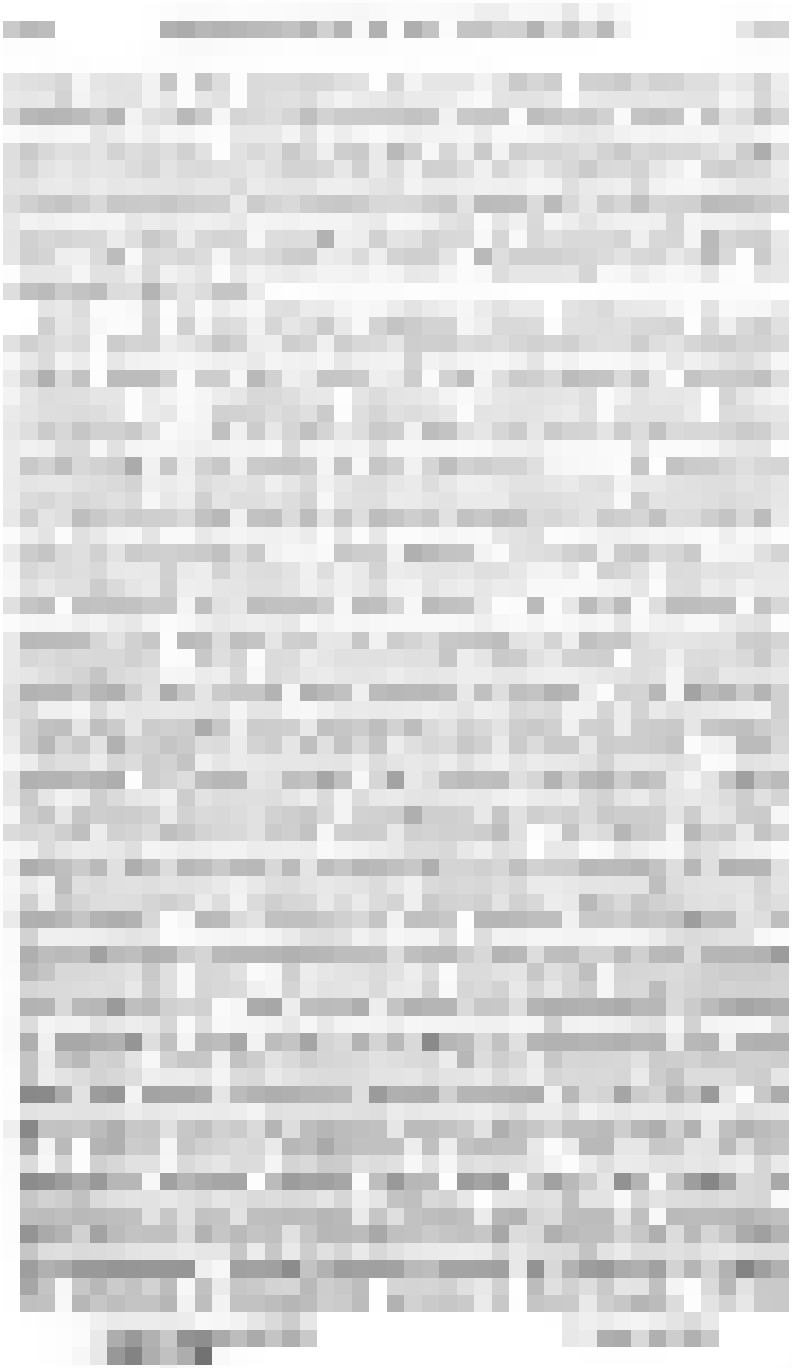

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'They never pretended that two governments answerable to different authorities could be one. All their care was spent in making it as clear as possible to each and all, which were the functions, resources, and agents assigned to each. In a word, their systems are designed to show who is answerable for doing whatever is done, and to whom each is answerable. When the introduction of the dual language crept into the schools of Ontario, it was not possible for any one to suggest that the federal government was in fault. The situation would have been far more dangerous if it had been. The whole responsibility clearly rested with the government of Ontario.

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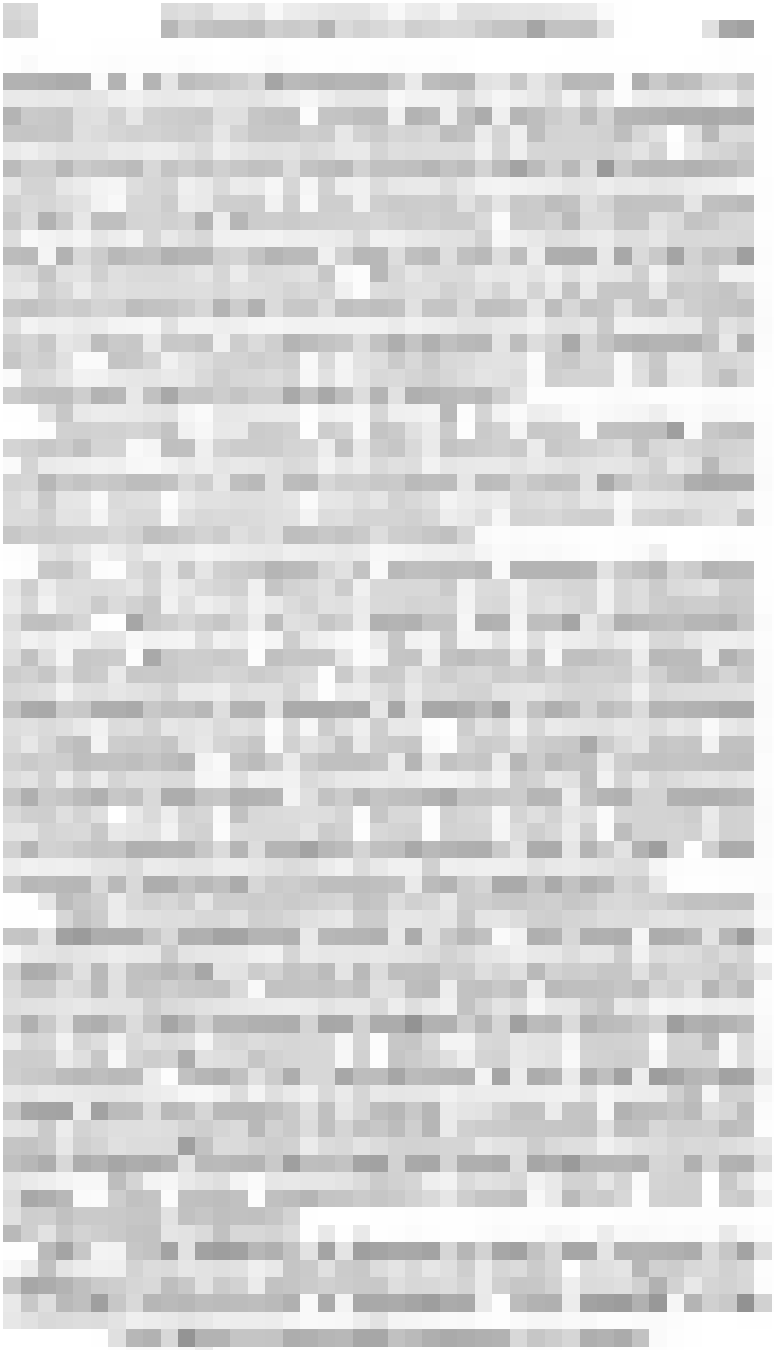

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Canadian constitution were not sufficiently careful in the matter, and were satisfied to leave a certain amount of overlapping. Forty years later Canadian experience was summed up in the one word of advice tersely given by Sir Wilfred Laurier to the South African Convention: "Beware the pitfall of concurrent jurisdiction".'

§ 22. The Feetham Committee faces this question of concurrent jurisdiction under the title of mixed subjects in par. 60, p. 36 of their Report. In that section a procedure appropriate to those subjects is carefully thought out. This procedure appears to assume that the executive council and the ministers will normally deliberate apart on matters which unquestionably belong to their respective spheres. I greatly hope that this will be so, and also that their decisions when promulgated will bear distinctive marks. On this subject, Section viii, p. 4 of the Memorandum of the Secretary of State on the Bill, speaks with tantalizing vagueness: 'The new provincial governments are to be of a composite character, and to contain both an official and a non-official, or popular element. On the official side they will be modelled on the existing governments of the Presidencies, which have "council governments". Under this system the government is carried on by a governor assisted by an executive council, and official acts are performed in the name of the "Governor-in-Council". On the popular side the new governments will consist of the governor and of ministers. . . . For the purpose of allotting to each section of this dual government its own sphere of duty the work of the provincial government will be divided into two parts: certain subjects, to be called "transferred subjects", will be administered by the governor acting with the ministers in charge of the subject, while other subjects, to be called "reserved subjects", will remain in charge of the Governor-in-Council.'

§ 23. The Committee will note that inverted commas are used to indicate the words 'Governor-in-Council' as a formula. But when we come to the words *the Governor acting with the minister in charge of the subject* no inverted commas are inserted to indicate that this phrase is to be used to distinguish acts done by ministers under transferred powers, from those done by the Governor-in-Council. We are left to conjecture whether the dominating motive is not to be an attempt to mask the dualism inherent in the scheme, by representing the acts of ministers under the same label as those of the executive council, thus leaving

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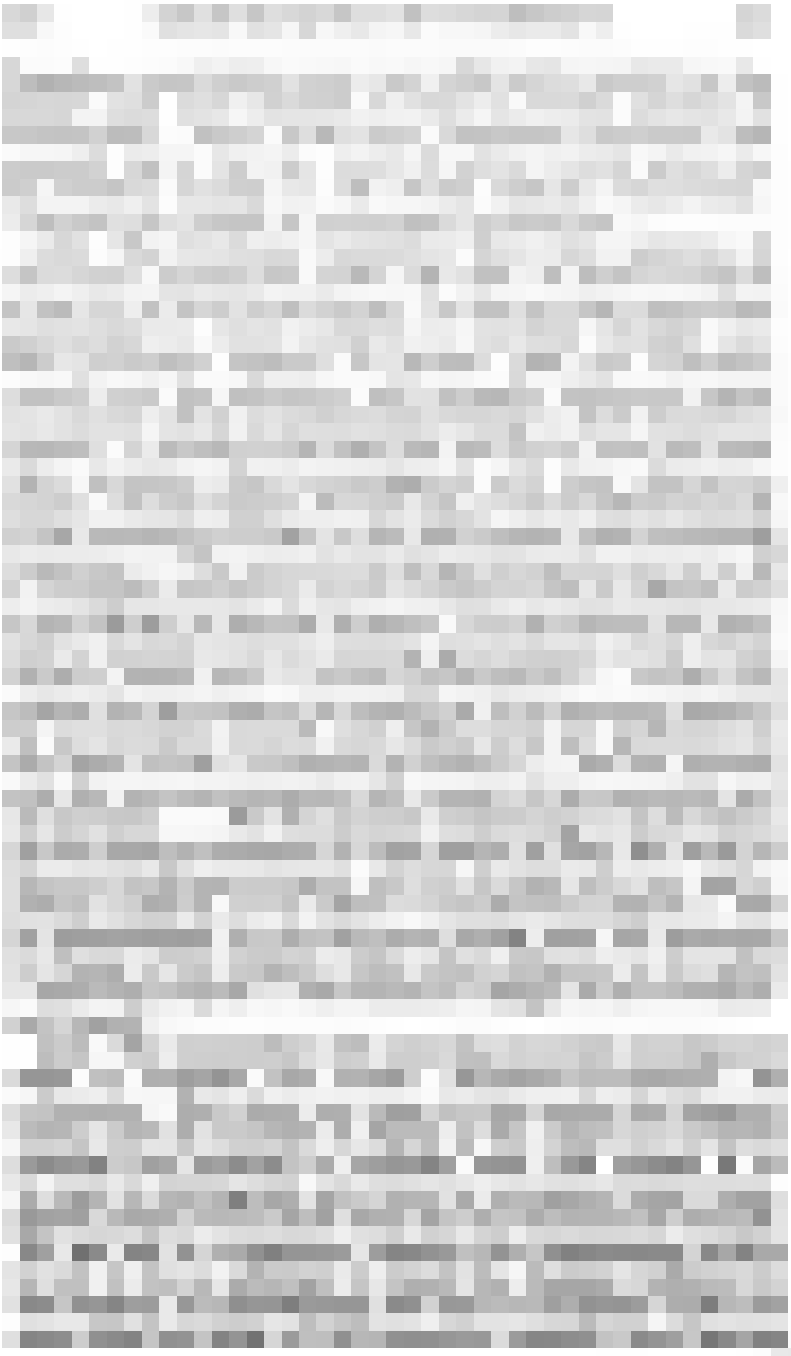
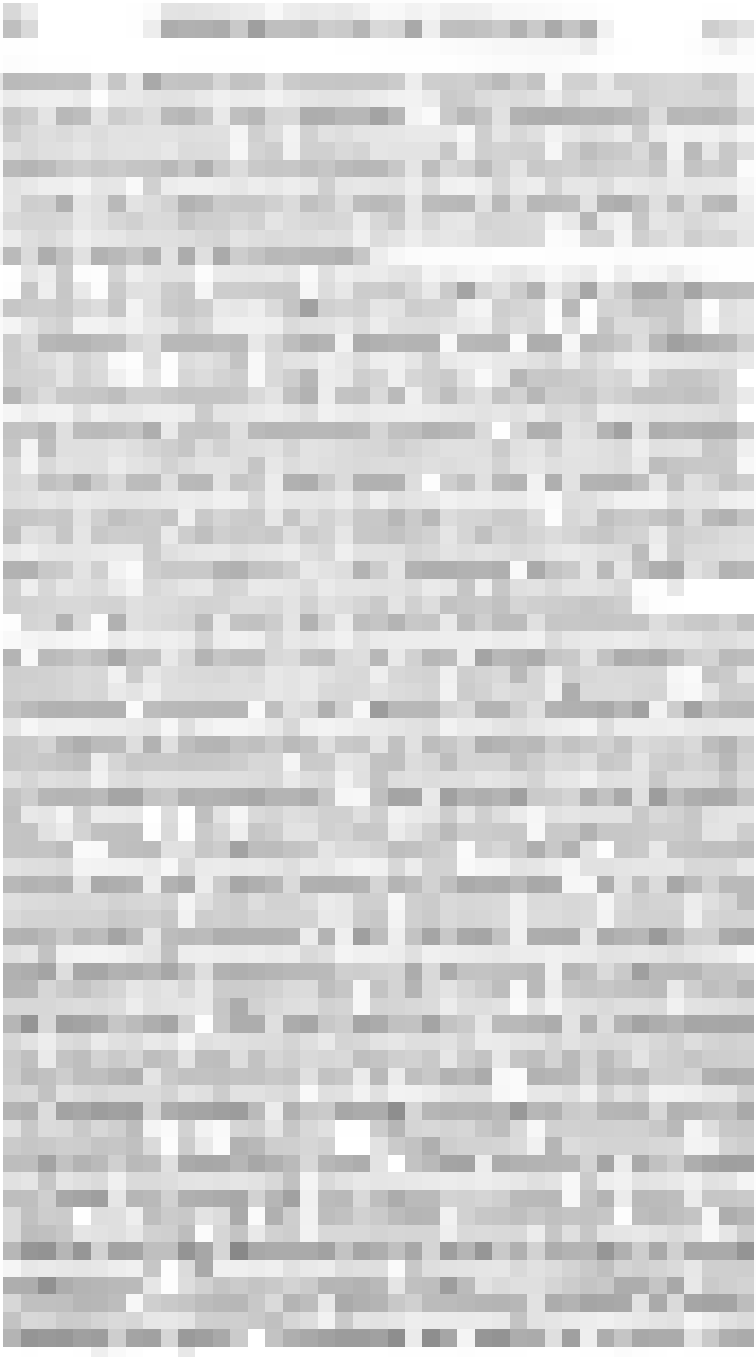


electors to think that executive councillors are responsible for acts of their own ministers. The dominating motive should be to leave the elector in no doubt whatever as to where the separate responsibility of every separate act rests. I hope the Committee will insist that all acts done in pursuance of transferred powers will be styled, 'The Governor on the advice of his ministers'.

§ 24. In this context I would urge that the legislature should sit under a different name, and, if possible, in a different building when dealing with the two different branches. I would keep the name 'legislative council' for reserved subjects, and call it 'the provincial assembly' when dealing with transferred subjects. And I am strongly in favour of allowing the assembly to elect its own speaker. I would call him by that name. Do let us make up our minds whether we are in for dualism or not. If we are, then let the forms advertise the dualism instead of being used to mask it. Throughout I am thinking how to help the electorates forward on the road to self-government.

§ 25. It is only when the position of the executive council is accurately defined that we can properly consider the relations of ministers to each other and the governor. The untenable proposal in the Report that ministers should be treated as responsible not to the legislature but to their several constituencies, was obviously fatal to the principle of corporate responsibility. That proposal is now dropped. But clause 3 (3) still forbids corporate responsibility in terms. This prohibition is based, I believe, on reasons which have not come before the Committee. It is held by constitutional authorities that between crown colony and responsible government in the Colonies, each minister was held separately responsible to the governor and legislature. Therefore it is argued that India must of necessity tread the same path. But that path was a course of experiment by which men had still to discover the mechanism whereby responsible government can be worked. They had to learn by making mistakes, by testing contrivances which proved unworkable in practice. Responsible government was achieved by discarding them. What service do we render to India by forcing her by statute to make the same mistakes, to retry all the discarded contrivances, when the reasons why they failed are now so clear in the light of actual experience? We are in great danger of worshipping mere precedent, of reading the letter of history instead of understanding its spirit. Precedents are useful as a guide only



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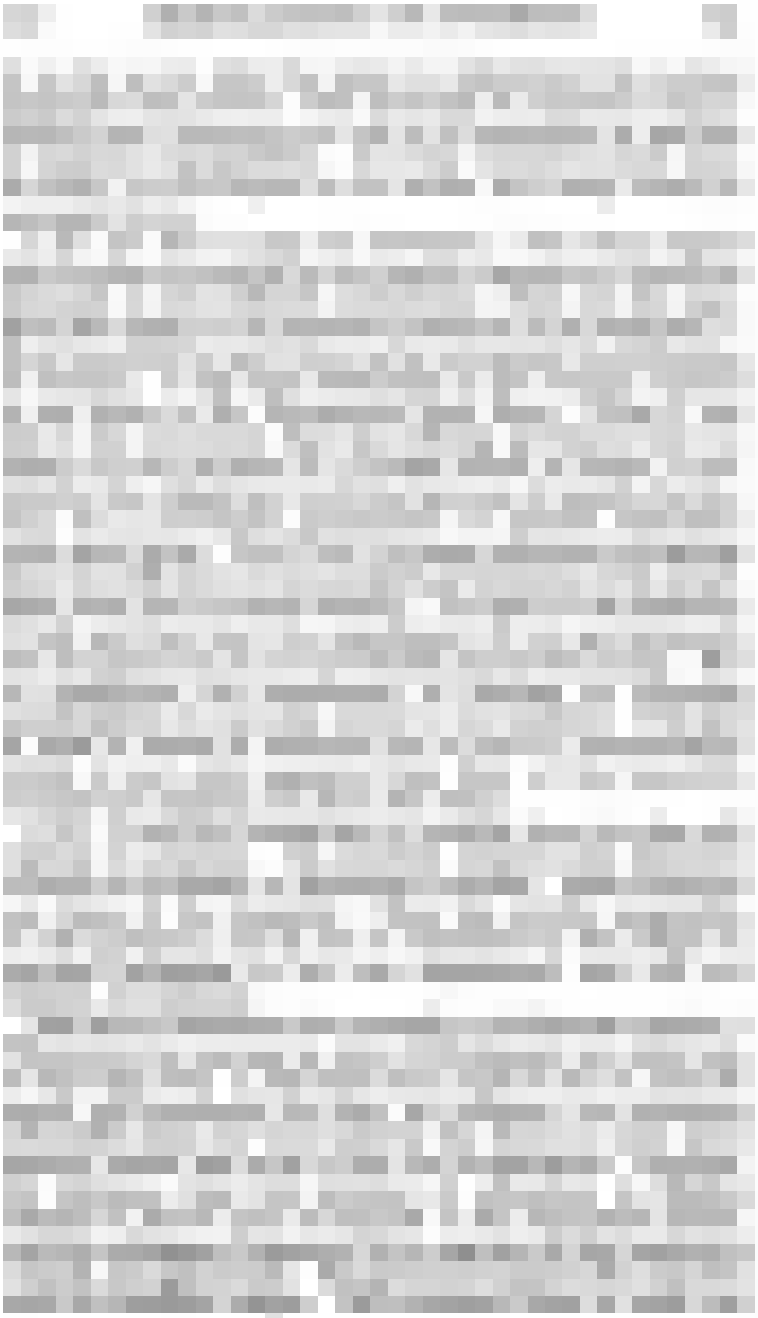
§ 26. To this it may be answered, 'You have argued that dualism is possible by the careful separation of functions allocated to two different authorities. Does not the argument also apply to the separate portfolios of the ministers?' Now from first to last I have never minimized the difficulties of dualism. I felt those difficulties in the scheme outlined in my letter to Mr. Bhupendra Nath Basu. When I was led to the conclusion that the existing provinces were too bulky for the purpose of a United States of India, I substituted the simple and well-tried process of specific devolution by a provincial government to several authorities with small areas. But I felt it a great additional advantage that the difficulty of two parallel governments with coincident areas was avoided thereby. In spite of the difficulty I felt and feel that the experiment of two governments for one great area is not unworkable and worth trying. But to complicate the experiment of dualism by imposing quadruplicity in one area seems to me madness. For that is what it means if ministers are to have a responsibility which is not only separate from that of the executive council but separate one from the other.

§ 27. I ask the Committee to consider how the plan will operate in practice. On reserved subjects the executive council are normally to deliberate together. Their decisions are those of the majority. They are jointly responsible to the governor, and if one is overruled by the others in matters belonging to his own department and will not submit, he must go.

But are not ministers also normally to deliberate together? Whatever you may say in Acts of Parliament you may take it that they will. I add that they ought to do so, and the result will inevitably be that, on occasion, two ministers will differ from the view held by the third on some point strictly within the scope of his own department. Suppose, for instance, that the minister of education in Madras refuses to throw open all schools to the depressed classes, and his colleagues, supported by a majority in the legislative council, are against him. The governor supports the majority and the minister resigns. His successor must be some one



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§ 28. I do not see how in actual working the Governor can from the outset avoid the ordinary and well-tried practice of sending for one man and asking him to choose his colleagues. And when that man resigns the whole ministry should be *ipso facto* out of office. In practice one minister must be premier, and I don't believe the system will work unless he has at least two colleagues. That is why I should regret to see the office of minister made incompatible with the holder pursuing his ordinary occupation.

I recommend that in Clause 3 (3) the words ' his Ministers ' be substituted for the words ' the Minister in charge ' in line 41, and that in line 2 over the page ' the Minister ' be changed to ' Ministers '.

8. (ii). Do you think that the Governor should have power to disregard the opinion of his Ministers if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsibilities (Clause 3 (3))?

§ 1. The answer to this question entirely depends upon the real nature of the responsibilities imposed on the governor. Reserved subjects are not in question. The manner in which mixed subjects should be handled is dealt with in paragraph 60 of the Feetham Report. There are also particular points coming within the scope of transferred subjects, notably in education, in which it may be necessary to reserve to the governor the power of overruling his ministers.[1] Apart from these specific reservations, I hold

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very strongly that the governor should not interfere with decisions of ministers, except by dismissing the whole ministry. In doing so he must consider whether another government can be formed which the legislature will support, or, if not, whether to dissolve the legislature. And if an election returns a House pledged to support the dismissed ministry he is then face to face with the question whether his executive council must resume the whole of the transferred powers together.

§ 2. I am decisively against the governor rejecting the decisions of his ministers except on points specified in his instructions, which points are, in fact, specifically withdrawn from the final responsibility of ministers. For transferred subjects ministers should be held responsible from first to last so long as they are left in their hands. Otherwise the legislature and electorate will never know where the real responsibility rests; and such knowledge is, I maintain, vital to the educational efficacy of the scheme upon which its success or failure will depend. If the governor thinks that a majority in the legislature is not really behind ministers, let him dismiss the ministers. If he thinks that ministers and legislature are combining to override the real wishes of the electorate, let him form a new ministry, if necessary from leaders outside the legislature, and then test the matter by a dissolution. His function *qua* constitutional governor is to hold a final power of attorney for the electorate, which enables him to refer matters to their decision in the last resort.

§ 3. I go so far as to say that I would not treat questions of law and order as removing transferred subjects to the category of mixed subjects. If the governor believes that some policy upon which ministers are resolved will lead to civil disorders, let him record a solemn warning to the effect that, if his fears are justified, the executive council will have to resume the entire administration. Whenever such resumption takes place, let the Secretary of State appoint a commission of inquiry to advise whether it was justified and how long it should be continued. Let the governor advise his ministers, and in serious matters let him record his advice. But so far as final decisions are concerned I am altogether against any interference with the exercise by ministers of transferred powers.[1]

§ 4. But I say this assuming that Parliament means, if these powers are so exercised as to bring about a deadlock

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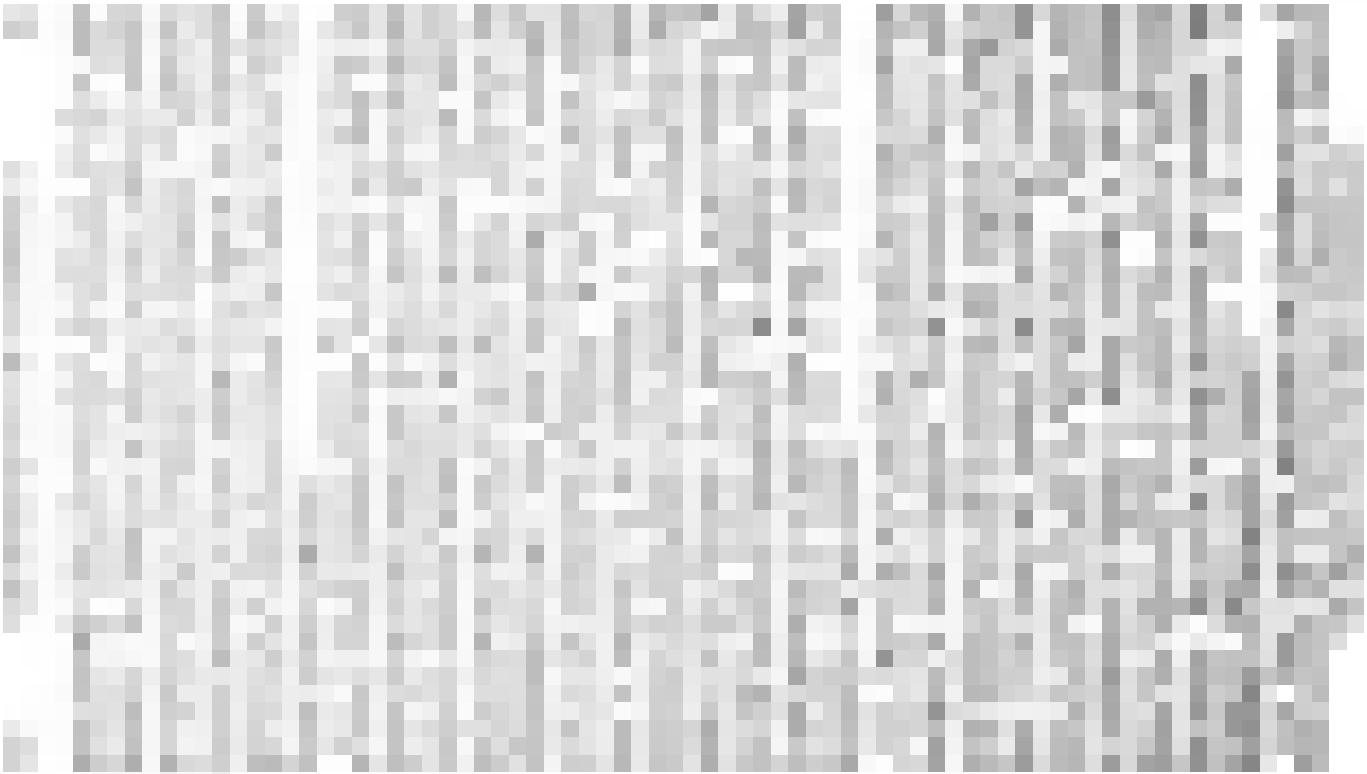

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or civil disorder, that the power of recall is to be used without hesitation. I say this because I know that official circles in India cannot really conceive its use. The civil service contains men with more than the average strength of character. Their training is such as to develop that strength, so far at any rate as the details of administration are concerned. But collectively they are amazingly weak. The greatest danger to India and the most formidable obstacle in the path to responsible government is the inherent weakness of the government it now has. And this is simply because the weakest form of government is one which, however autocratic its powers on paper, has not behind it the will of an electorate regularly ascertained. The civil service do not believe in the possibility of resuming powers once transferred, because they do not believe that Parliament really believes in it. I am weighing my words when I say that many of them do not believe that Parliament really means to see them through in the discharge of the grave responsibilities which it leaves on their shoulders. I think they are wrong, but, if I am correct, it is of vital importance that Parliament should leave its agents in no doubt on the matter, and that is why I venture to say this.

§ 5. The Nationalists genuinely believe that, if the power of recall is felt to be real, reactionary officials will create deadlocks and even disorders to bring it about. I am sure that they are wrong. But that is why I advise that any case of resumption of powers by the governor should at once be made the subject of inquiry by a commission appointed by the Secretary of State, the chairman of which should always be some one taken from outside India. If such a commission should find that any official has been guilty of such conduct as the Nationalists fear, the offence should be visited by summary dismissal. That man will have been unfaithful to the best traditions of his service.

§ 6. I would make it clear that a governor will be recalled if he is found to have abused his powers of resumption, or to have failed in anything which might have avoided their use. But I hope that the Committee will be just as emphatic in pronouncing that a governor ought to be recalled who has shrunk from using those powers where they were necessary. Government is the indispensable basis of self-government. You will never found it on anything else.

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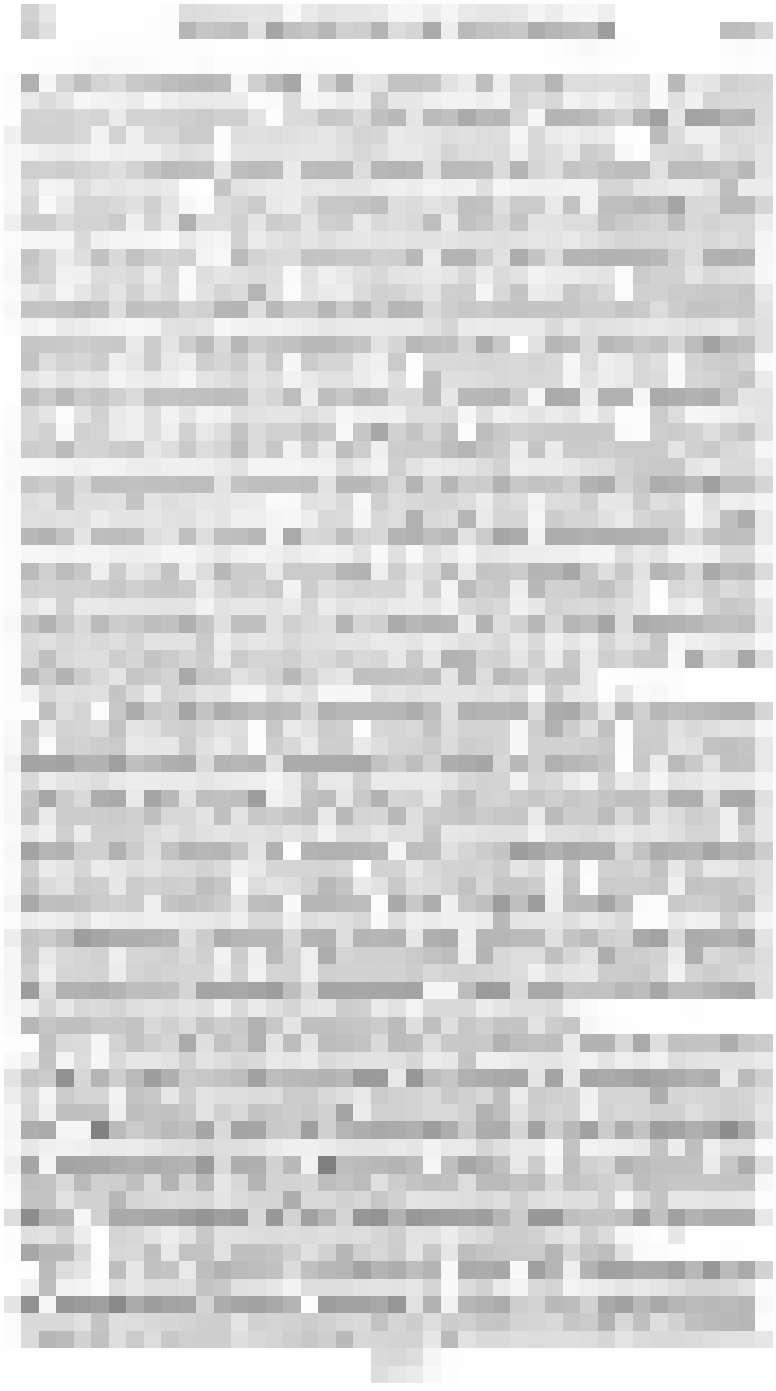

and therefore I rejoice to see that Mr. Feetham's Committee has advised the transfer of higher education.

§ 8. I am in favour of making the power of recall a reality, because if Parliament is prepared to recall, where failure to the trust is proved, Parliament will also be much more ready to transfer further powers on the least sign that such transfer is justified. The belief that recall will be really used will beget a far deeper sense of responsibility in ministers from the outset. They will think twice before they embark on courses which may lead to either deadlock or disorder. The principle goes right down to the root of these proposals, which rest on the well-tried method of experiment, upon which the constitutional achievements of the British Commonwealth are all based. Experiment means that where failure is proved you are prepared to go back and begin over again, as you are now doing with the Minto–Morley reforms. Unless the authors of this measure really intend that, it is throwing dust in the eyes of the public to profess that they mean to be guided by experience.

§ 9. In question 1338, at the bottom of the second column on p. 74, Mrs. Besant quotes Mr. Montagu as having said: 'So far as transferred subjects are concerned, we shall have parted with our trusteeship and surrendered it to the representatives of the people of India.' The words will be quoted as proving that Parliament has renounced its powers of recall. I think, therefore, that the matter should be settled by a definite pronouncement from this Committee. It is vital that India should not be allowed to think that promises have been made, which have not in fact been made. In all pronouncements on Indian policy it is of crucial importance to avoid language which admits of subtle inferences. The pronouncement made by the Secretary of State on August 20, 1917, is a model to be imitated.

8. (iii). Do you think that the executive council should in all provinces normally consist of one official European and one non-official Indian?

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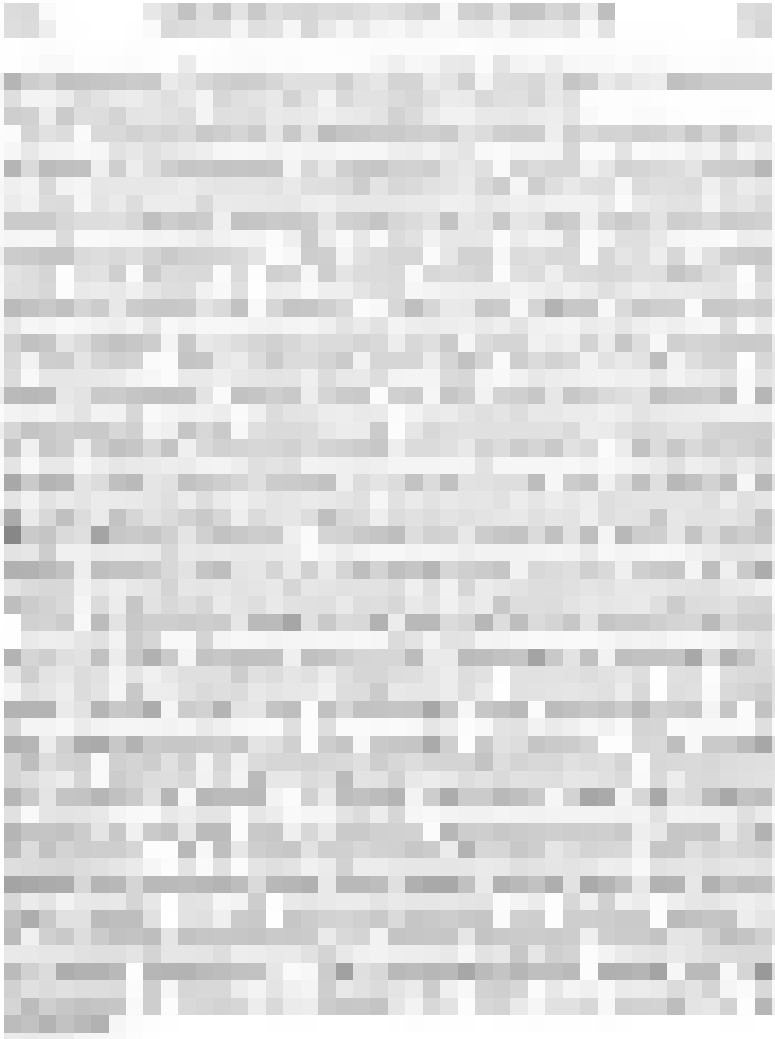

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8. (iv). Do you think that the governor should have power to dissolve his legislative council?

§ 1. My answer is, Yes.

9. Referring back to questions 2, 3, and 4, if your answers to the first and third of these are in the affirmative, and if you think that the legislatures should be given greater powers of control and influence than they possess at present, do you regard the limitations imposed generally by clause 9 of the Bill upon their financial and legislative powers as (i) suitable, or as (ii) unnecessarily severe, or as (iii) inadequate to safeguard the responsibilities which the government owes in the last resort to Parliament (clause 9)? 10. In particular, (i) do you think that the legislature should have power with whatever limitations to vote supplies (clause 9 (2)). (ii) Do you accept the plan of grand committees as the means of giving to the government the power to secure essential legislation in the event of their failure to carry their propositions in the council? If so, have you any modifications of detail to suggest? If not, what other method would you suggest to secure the object in view?

§ 1. Sir Harry Stephen found himself unable to distinguish between influence and control.[1] I ask the Committee to recognize the reality of the distinction and also of its practical importance. At this moment the Imperial Government is consciously exposing itself to the influence brought to bear on it through this Committee by spokesmen of the various Indian sections. The minds of ministers and members will be affected by that influence. Can any member who has sat on this Committee after hearing all these witnesses from India doubt that he can now handle it with much greater knowledge? But you are not sharing with these witnesses the faculty of decision. That rests with Parliament and with no one else, and with it the final responsibility undivided and undiminished. It is just failure to recognize and implement the vital importance of this distinction which has thrown the whole course of Indian reform awry since 1909. That is why, as the earlier chapters of the Joint Report demonstrate, you cannot now build on the foundations then laid.

§ 2. Now, personally, I want to see ministers and elected

[1] q. 5327.

8. (iv). Do you think that the governor should have power to dissolve his legislative council?

§ 1. My answer is, Yes.

9. Referring back to questions 2, 3, and 4, if your answers to the first and third of these are in the affirmative, and if you think that the legislatures should be given greater powers of control and influence than they possess at present, do you regard the limitations imposed generally by clause 9 of the Bill upon their financial and legislative powers as (i) suitable, or as (ii) unnecessarily severe, or as (iii) inadequate to safeguard the responsibilities which the government owes in the last resort to Parliament (clause 9)? 10. In particular, (i) do you think that the legislature should have power with whatever limitations to vote supplies (clause 9 (2)). (ii) Do you accept the plan of grand committees as the means of giving to the government the power to secure essential legislation in the event of their failure to carry their propositions in the council? If so, have you any modifications of detail to suggest? If not, what other method would you suggest to secure the object in view?

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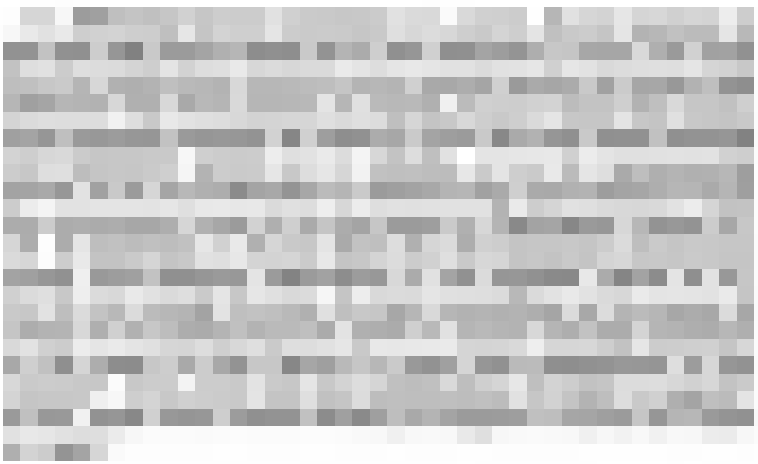
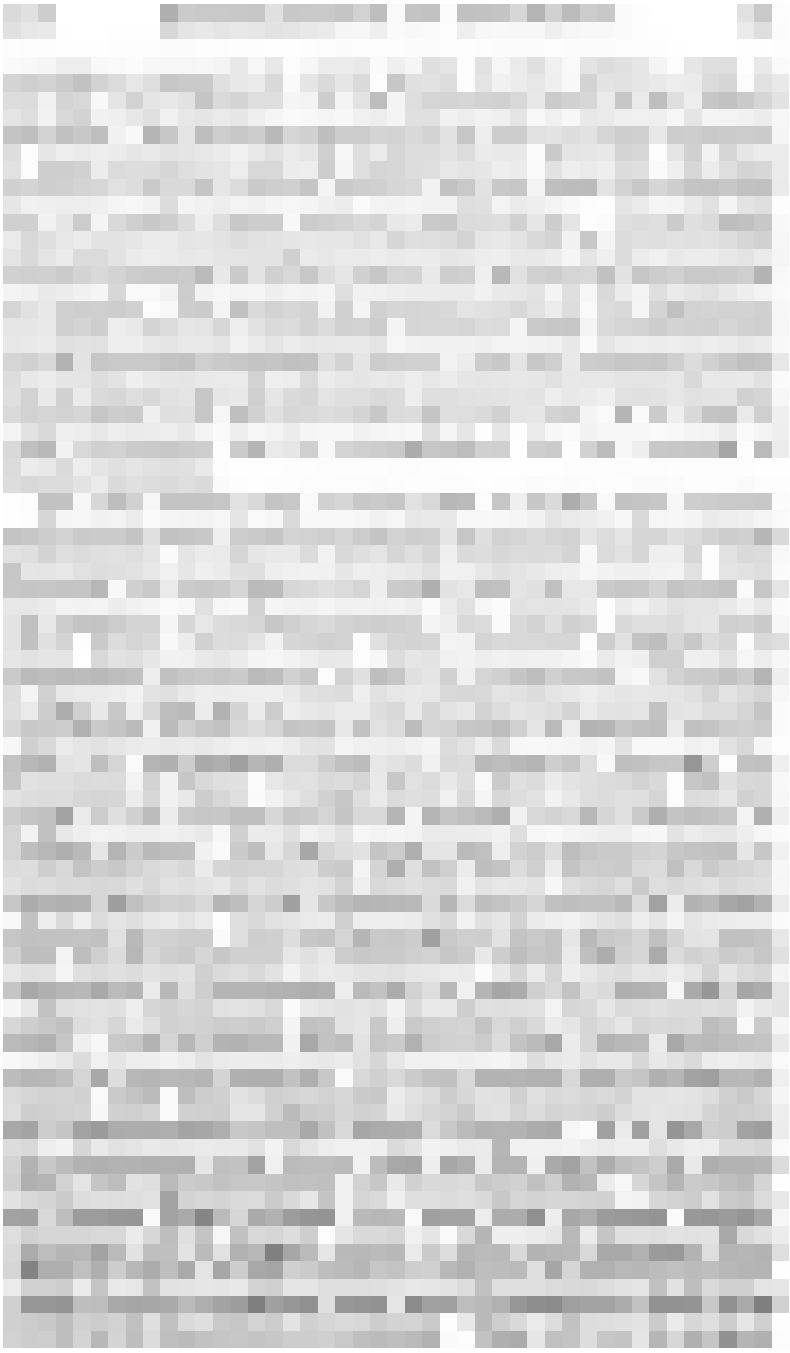


members exposed at every point to the advice—that is to say, the influence—of the governor and of his official advisers. But having experienced the effect of that influence, I want ministers and the legislature to feel that the final decision is theirs without reserve, and the final responsibility for its results theirs without qualification. Accordingly, their power of making such decisions must be put as much beyond question as is the power of a provincial government in Canada. The powers of ministers and of the legislature to which they are answerable must be fully commensurate to the functions imposed on them. And my ultimate reason for all this is that the electorate may know for what they are responsible, and also for what they are not. It is only so that electorates can be strengthened for the bearing of heavier burdens.

§ 3. The reason why I think that to begin with certain, and indeed most, functions should be reserved to the existing government, is that if all these functions were at once imposed on electorates too small and too unexercised in the practice of self-government, the burden would break them down, chaos would ensue, and the realization of responsible government would be postponed. Therefore I urged so long ago as 1917 that all functions not specifically transferred should remain in the hands of officials responsible for discharging them to Parliament through the Secretary of State. I urged that in their exercise officials ought to be exposed as far as possible to the influence of Indian opinion. By that I mean that the system should be so devised as to ensure that officials before making decisions should have to hear the opinions of every section of Indians affected thereby. But having weighed those opinions, I mean that the final decision on matters for which officials are held responsible to Parliament must be made by those officials subject to Parliament and its mouthpiece, the Secretary of State; and therefore their power to make those decisions must lie beyond question. It is not merely that Parliament cannot hold them responsible unless the powers it confers are commensurate to the duties it imposes. It is also that the electorates must know what are the matters for which their own representatives are not responsible. Otherwise, as Colonel Pugh pointed out, with true political insight, ministers will be judged, called to office and dismissed from office by reason of their conduct in respect of reserved powers, which involve questions even more contentious than those involved in the powers transferred. They will not be judged,



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as they should be, solely by reason of their conduct in respect of the powers transferred to their control.[1]

§ 4. It is necessary to speak plainly. The source of all this controversy lies in the fact that the Joint Report speaks with two voices on the main issue at stake. I will here repeat what I wrote on the subject to the Drafting Committee last year :

§ 5. 'Parliament is responsible from first to last for the government of India in all its aspects. The pronouncement of August 20 affirms this principle, and the Joint Report, by a series of illuminating quotations,[2] shows how careful the supreme government has been to assert it, whenever the Government of India or any provincial government has attempted to call it in question. The details of legislation were, for the most part, left to legislatures constituted for this purpose in India. But till 1909 it was made clear that these legislatures must, in the last resort accept the instructions of the Indian executives, which were in turn bound by those of the Secretary of State as the agent and mouthpiece of Parliament. As a further consequence, it was laid down that no member of an executive might publicly question these instructions. "The policy adopted is the policy of the government as a whole, and as such must be accepted and promoted by all who decide to remain members of that government." In these words "the principle of unity within the Indian executives" was asserted. The authors of the Report endorse these views. They assert that "the official government which is still responsible to Parliament" must be able to discharge its responsibility properly.[3] To that end provision must be made, if a provincial executive is to be held responsible for the government of the province.[4] It must be able to get through its legislation on reserved subjects.[5] The provincial legislature must, in the last resort, have the means of passing whatever laws or voting whatever supplies they deem to be necessary for discharging the duties imposed upon them by Parliament. No less is implied in the quotations made in paragraphs 34, 67, and 68. The argument of Chapter VII against the Congress–League scheme involves that conclusion. . . .

§ 6. 'In paragraph 34 the Report quotes from a dispatch written to Lord Mayo from the Secretary of State in Mr. Gladstone's government the following passage :

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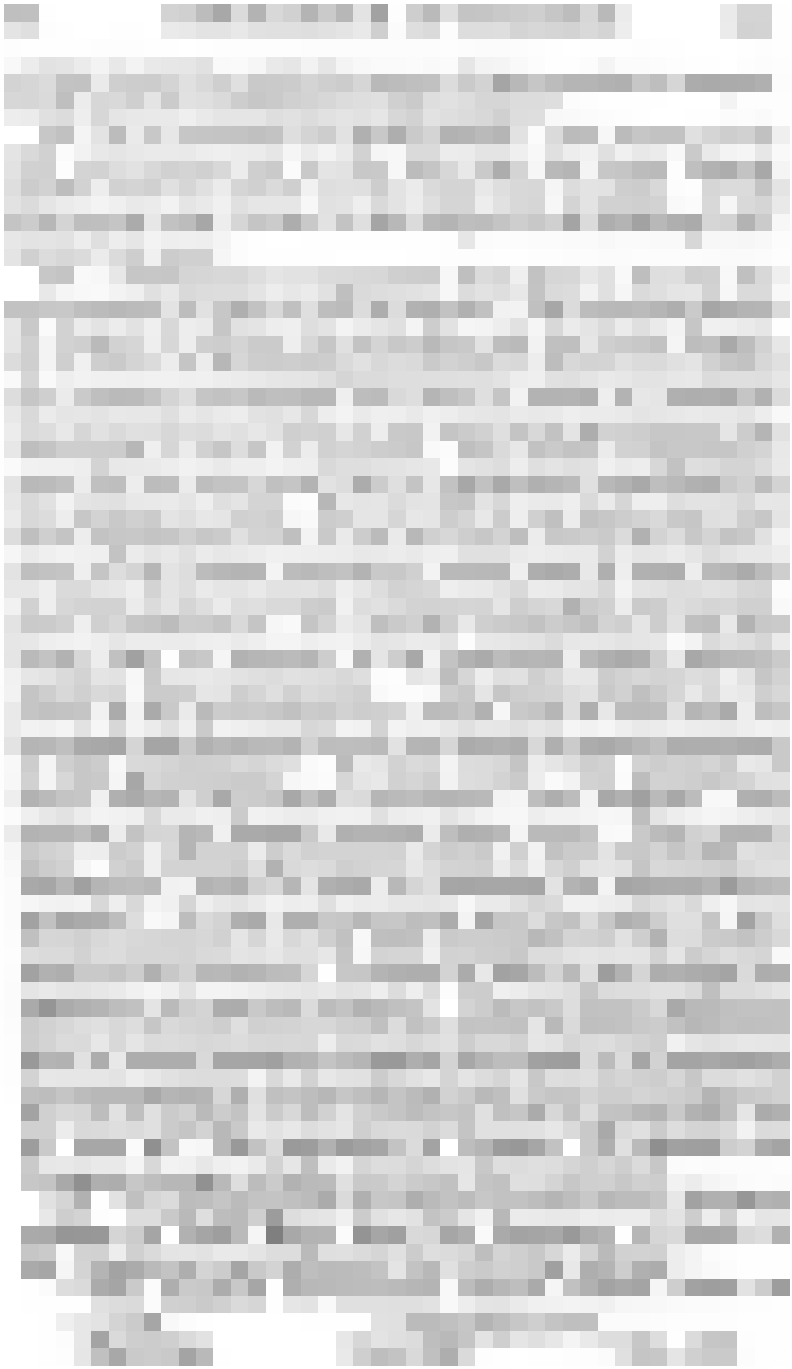

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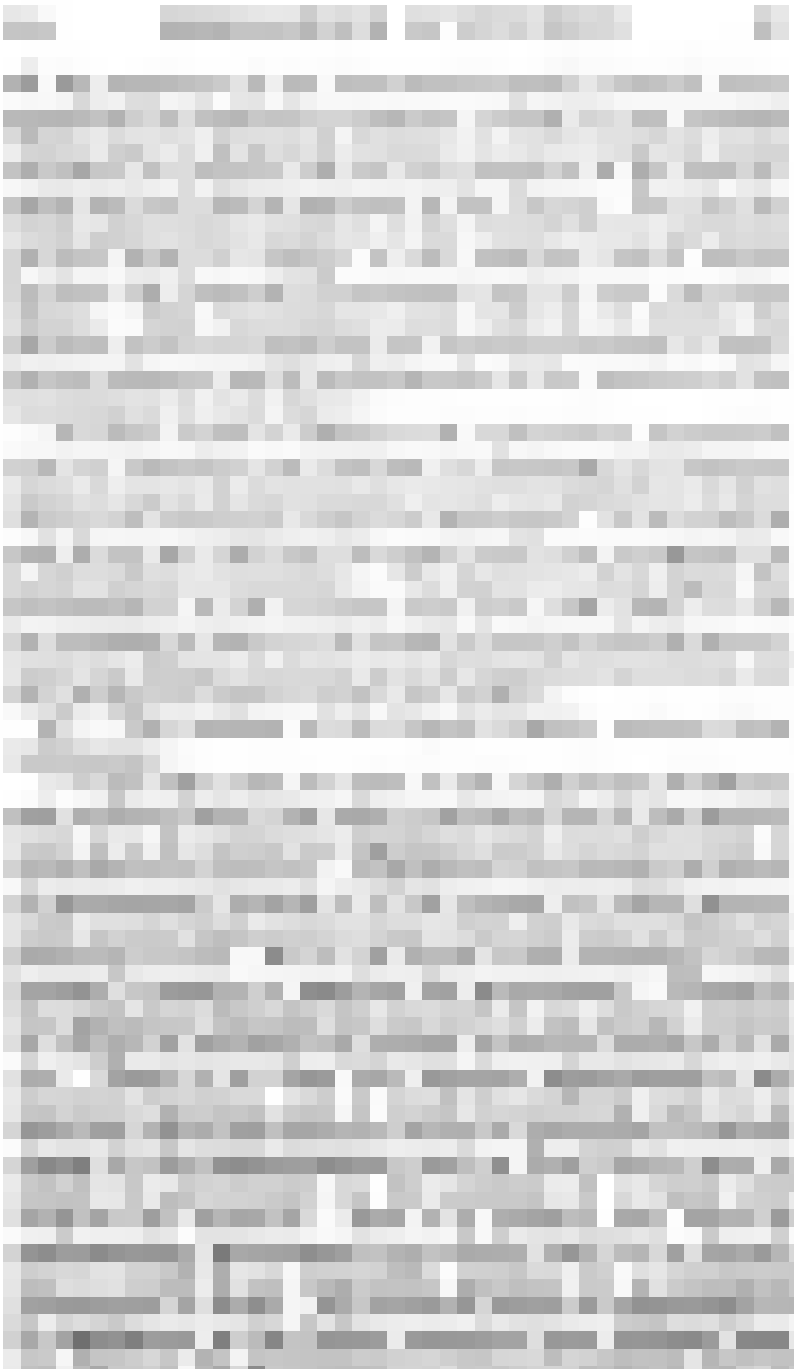
'In these words is affirmed the self-evident proposition that no executive can continue to discharge its functions unless it can in the last instance secure the legislation without which such functions cannot be discharged. In sections 67 and 68 we are told that the same truth was recognized by Lord Dufferin's Committee. "No matter to what degree the liberalization of the councils may now take place, it will be necessary to leave in the hands of each provincial government the ultimate decision upon all important questions and the paramount control of its own policy."

§ 7. 'The authors of the Report frankly endorse these conclusions:

'"Upon this point we defer to the experience of history, and we draw from it the plain conclusion that if the government is to be carried on, legislature and executive must in essentials be in harmony. Legislation is a necessary attribute of government, because it is the means by which government secures fresh powers when it feels the need of them for attaining its end. But in the hands of the assembly it may become a weapon to paralyse the government. Whenever the legislature distrusts the executive it can always restrain or control its activities by specific provisions inserted in an Act. There is no clear line between administrative and executive functions, and it would be perfectly open to an assembly which distrusted its executive practically to assume charge of the administration, and, as Lord Bryce says, to reduce its government to the position of a bank staff *vis-à-vis* the directors. That is a position into which no parliamentary government ever allows itself to be forced; and it would be an impossible position for a nominated government in India. An executive which is independent of its legislature, as the Indian executive have hitherto been, can carry on the government in virtue of authority derived



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from without; a party executive can govern because it interprets the will of the people as represented by the assembly; but wherever, as in Canada or Malta, attempts have been made to set up an irremovable executive and a popular assembly, acute conflict has ensued and has resulted in either an advance to popular government or a return to autocracy. "Parliamentary government avoids deadlocks by making the executive responsible to the legislature. Presidential government limits deadlocks because all the organs of the state must ultimately submit. But a legislature elected by the people, coupled with a governor appointed by a distant power, is a contrivance for fomenting dissensions and making them perpetual." We believe that in India, where the two sides are divided by race and also by differences of standpoint, the discord would be much more serious than it has ever been in the Empire's history." [1]

§ 8. 'Again and again this position is reaffirmed:

'"If responsible government cannot be conceded at once, as, indeed, the scheme implies, and if some measure of responsibility is yet to be given, then means must be found of dividing the sphere of administration into two portions, and for each of these there must be a part of the executive which can in the last resort secure its way from a legislative organ which is in harmony with it; and there must also be means of securing that both halves of the machine work together." [2]

'"Our aim must be to secure to the official executive the power of protecting effectually whatever functions are still reserved to it and to the Government of India, of intervening in all cases in which the action of the non-official executive or council affects them to their serious prejudice. For otherwise the official government which is still responsible to Parliament may be unable to discharge its responsibility properly." [3]

'"We now turn to a consideration of the work of the legislative councils. Assuming that they have been reconstituted with elective majorities, and that the reserved and transferred subjects have been demarcated in the way suggested, let us consider how the executive government is to be enabled to secure the passing of such legislation or such supplies as it considers absolutely necessary in respect of the reserved services. For we must make some such provision if we are going to hold it responsible for the government of the province." [4]

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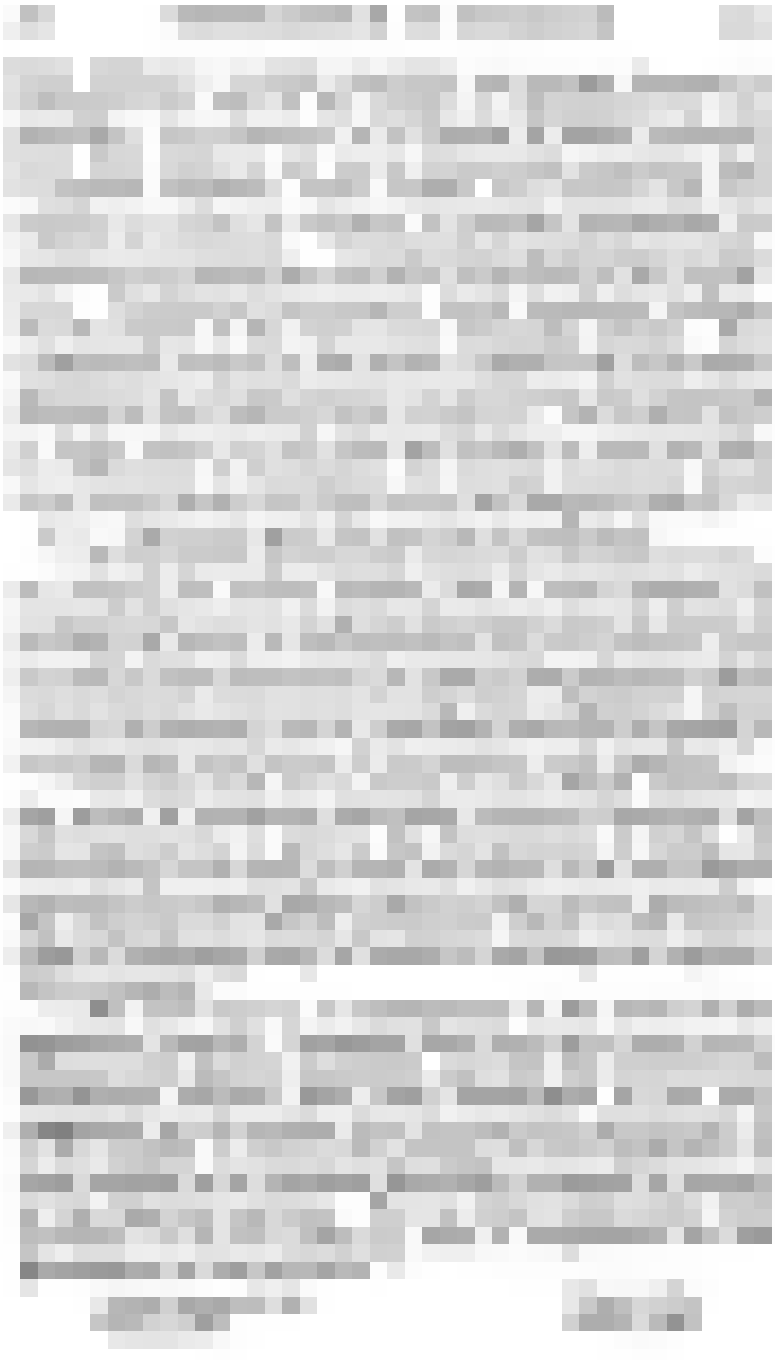

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19 members elected by the elected members by proportional representation.
14 officials.
6 non-officials nominated by the governor.
1 the governor himself.

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It is, in plain words, to be a body packed by the governor from the minority to overrule the opinion of the majority on the legislative council. Where opinion is divided amongst the elected members of the legislative council, the governor can nominate unofficial members from the minority with some hope of their support. The transferable vote may

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§ 11. 'There are, however, plenty of cases on record in which every Indian member has voted against the government. In these cases (and they are certain to recur), where is the governor to find the six unofficial members required to pass his measure? It is not, moreover, as though the passage of a Bill depended on a single division. Dozens of amendments can be introduced, any one of which may destroy the utility of the measure. The absence or defection of one or two unofficial nominees at any one of a number of divisions may lead to a breakdown. The authors of the Report are themselves driven to admit the weakness of their own proposal:

'"It may be objected that such a grand committee so composed offers the official executive no absolute guarantee that its measure will get through. We agree that this is the case; but there is no such guarantee at present. In a grand committee of forty members there could be fourteen officials, and we consider that no great harm will ensue if government defers legislative projects which are opposed by the whole elected element and for which it cannot secure the support of six out of the seven members whom the governor has it in his power to select from the whole body of the non-official members of the council."[1]

'A lamer conclusion I have never read. We are told again and again in emphatic language that every executive must in the last resort be able to secure the legislation it requires. In the face of all this, we are now told "that no great harm will ensue if government *defers* legislative projects", when the opposition of the legislators they do not control is too strong for them. And why speak of *deferring* these projects? Another election is scarcely likely to weaken the legislative council's opposition, and then no remedy remains but an ordinance by the Government of India, or else an act of the Imperial Government. Meanwhile, the governor must continue to govern without powers which he solemnly certified to be "essential to the discharge of his responsibility". He will forfeit his own self-respect and deserve to loose that of the public unless he resigns.

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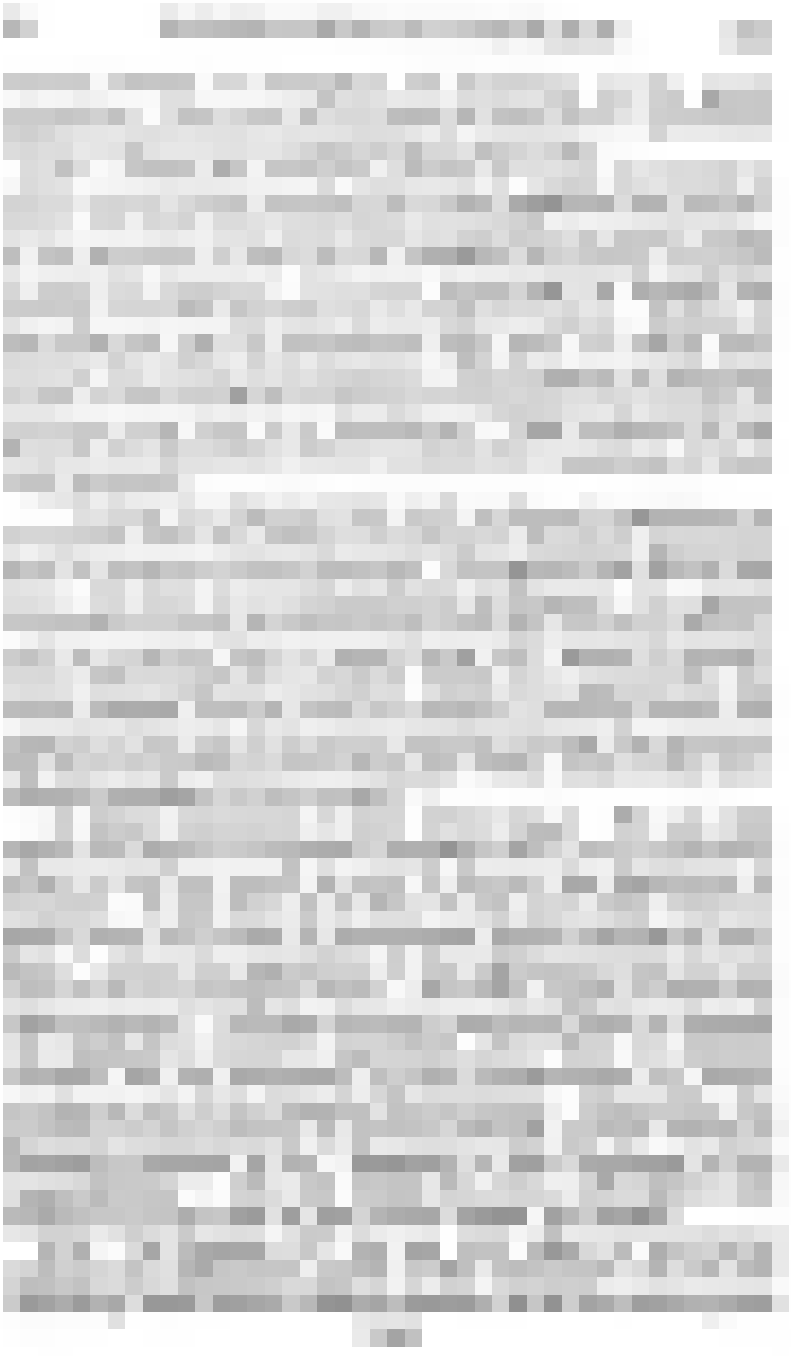
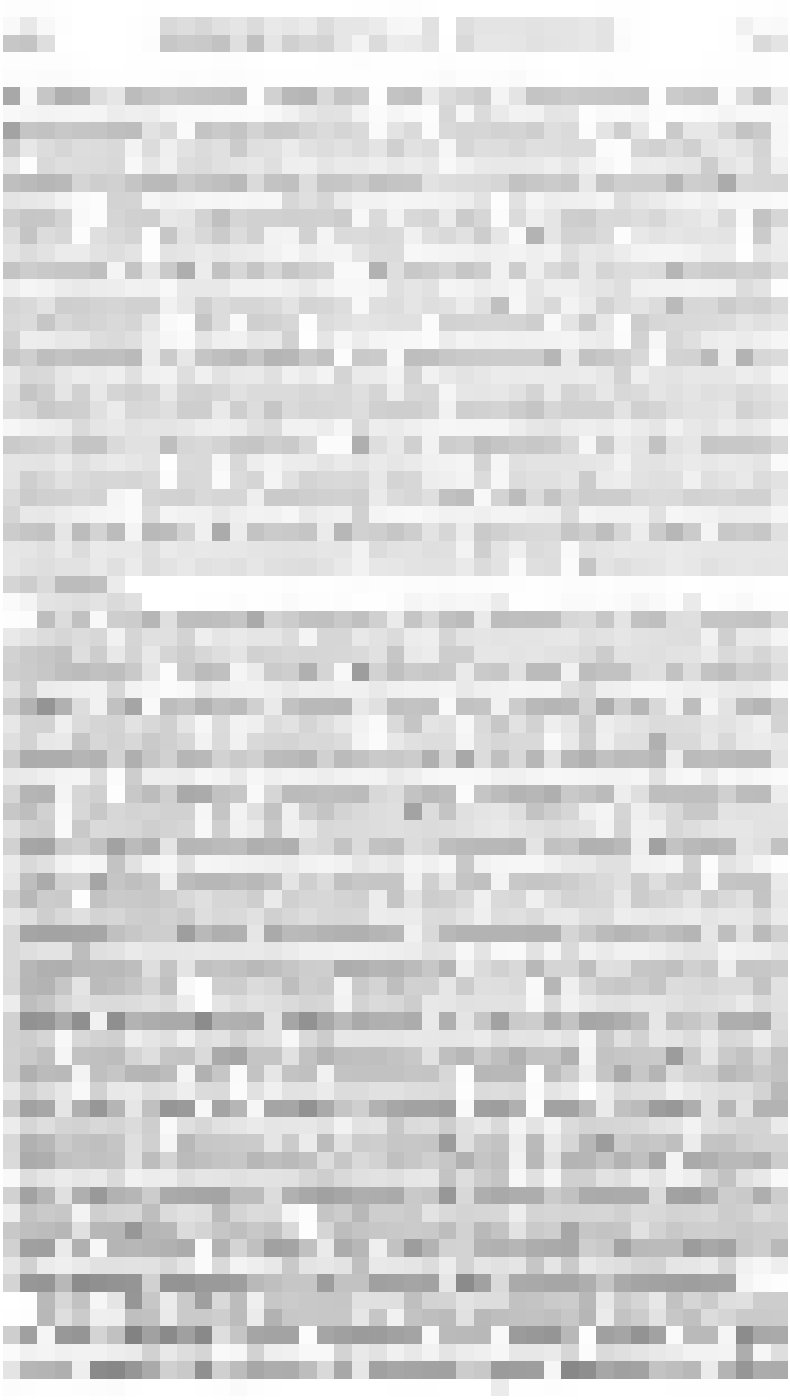


is that provincial matters are less important and the government's responsibility to Parliament not so close. I venture to question both these statements. During the period of transition the governor is to remain responsible for order. That responsibility is second in importance to no other, and therefore, in terms of the Report, it is to be reserved to the governor. Whenever it can be transferred to ministers, the province will be ripe for full responsible government. So long as it is reserved, the governor is responsible to Parliament for maintaining order. The fact that he takes instructions from the Viceroy and the Secretary of State, and not from the Cabinet or Parliament direct, does not affect the position. He is responsible to the British Government for the maintenance of internal order in his province. For the discharge of that all-important function laid upon him, he needs powers no less decisive than those vested in the Government of India for the powers reserved to them.'

§ 13. The opening chapters of this Report in their fearless analysis of history and principle deserve to stand with those of Durham. But, unlike Durham and his great executant Elgin, the authors shrink from the application of their own principles to practice. They follow the argument of Durham and also of Professor Lowell in his masterly verification of Durham's teaching from subsequent experience. The principles of the Minto–Morley reform, as carried to their logical conclusion in the Congress–League scheme, in their earlier chapters is nailed to the counter for all time. Then, breaking new ground of their own, they elect for the principle of specific devolution. Scheduled powers are to be transferred to ministers responsible to elected councils and their electors. All other powers are to be reserved to the official governments responsible to the Secretary of State. But when the highly elaborated mechanism through which these powers are to be exercised, with its wheels turning this way, and its wheels turning that way, comes to be examined it proves to be nothing but an ingenious contrivance for re-introducing in the sphere of reserved subjects the whole principle underlying the Minto–Morley and Congress–League schemes. Behind a screen of grand committees and a council of state the clear principles enunciated in the earlier chapters of the Report are quietly jettisoned.

§ 14. The whole answer to these questions you have put to me depends upon whether you really mean to give your agents the power of decision upon matters in which



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you make them responsible to yourselves. I speak to the Committee as the mouthpiece and ear of Parliament in this matter. In reserved subjects where do you mean the power of decision to lie? Do you, in the words of the Joint Report, 'consider that no great harm will ensue if government defers legislative projects which are opposed by the whole elected element', when upon such projects may depend the peace of a province and therefore the peace of India? Why, then, did the Secretary of State and the Viceroy carry their measures the other day in the teeth of every elected member? They cannot plead that the attitude of those members would have differed if they had represented the full franchise projected by the Southborough Committee. The answer is that they believed that they could not discharge the trust laid on them by Parliament unless the elected members were overruled. Why ask, then, that future governors should be placed in a position which they themselves are not willing to accept? It is not proposed that elected members should be asked to take on themselves the responsibilities of the governor when they deny him the power to govern. This contrivance means that the power of final decision is to rest nowhere, and that government is in the last analysis to cease. Nor does it help matters to say that in the last instance you have to fall back upon the Governor-General's power to enact an ordinance. When the friction of deadlock has raised public feeling to the flash-point, the exercise of the Viceroy's last residuary powers is simply equivalent to proclaiming a state of siege, to suspension of the constitution itself, because your constitution has broken down. It is a plain admission that revolution is afoot and can only be met by martial law. The functions of the Viceroy are merged thereby into those of the Commander-in-Chief. I am asking you to give India a constitution which will not break down, because it is one through which government can govern without resort to arms. I urge it because any resort to arms in India disturbs for the time being and for long afterwards the atmosphere in which alone the delicate plant of self-government can grow. You have the warning of Ireland at your doors.

§ 15. The issue has been put squarely in the evidence before you. Lord Islington asked Mr. Banerjea: 'I suppose you would qualify the word "bare" by making it an effective majority?'[1] The answer was 'No. That is to say, it ought not to be such a majority as would in any case

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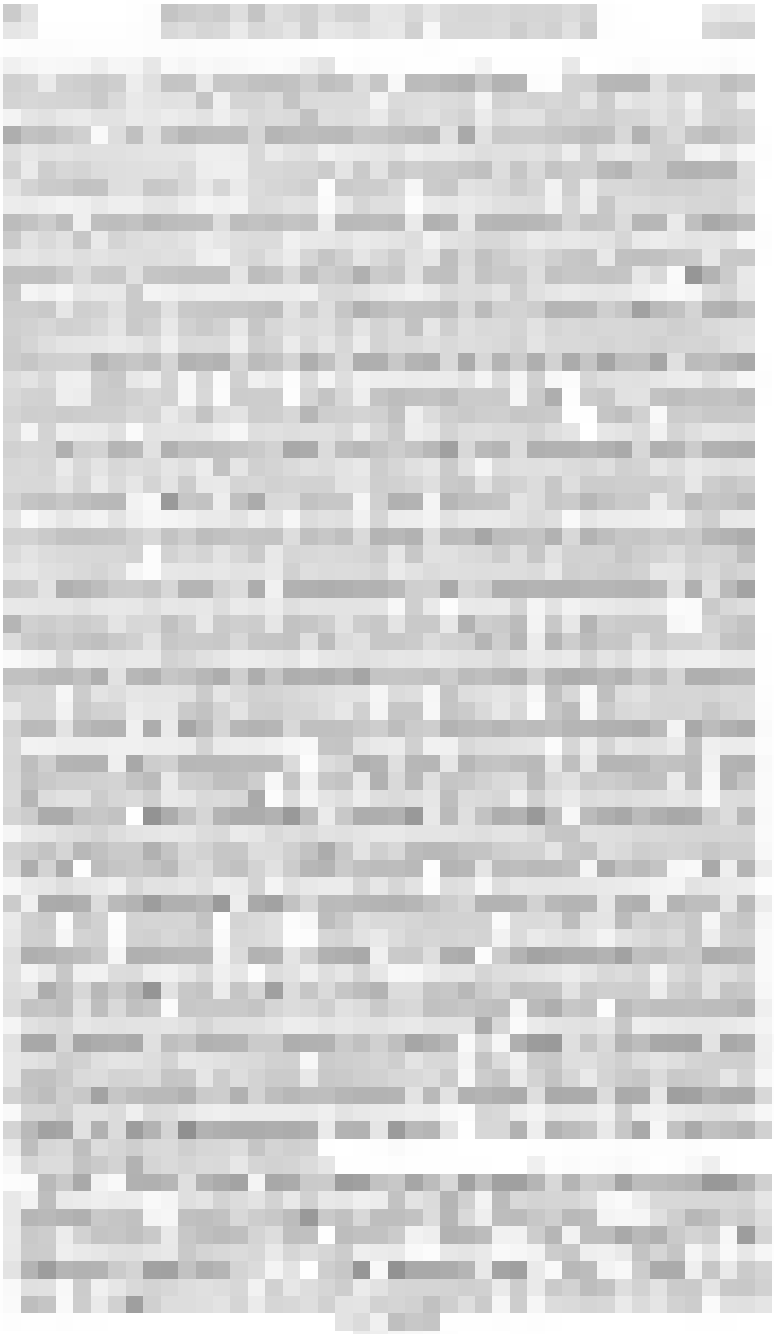

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§ 16. I leave aside the opinion of British officials on this subject and turn to the evidence of Lord Carmichael, the most popular governor who has ever ruled an Indian province. When Mr. Montagu asked him:[2] 'Do you think that in a province it is wise or necessary to give to the governor an absolute right to pass a law, which not even one of the non-official members of his legislative council will support?' Lord Carmichael replied: 'Yes, I think it is, because if he is a man who would do it wrongly, he ought not to be there'.

§ 17. Here Lord Carmichael touches on a point which deserves the careful attention of this Committee. In another part of his evidence he argues that all governors of major provinces should be brought from outside. I agree with him. I also agree with him in thinking that the success or failure of this great experiment will largely depend upon the quality of the governors who can be found to serve. To me it seems that a man so qualified would have the political insight to say to a Secretary of State: 'If you ask me to make myself responsible to you for the reserved functions, I must be the final judge, until you recall me, of the legislation required to give me the power to discharge them'. I think he would say with Lord Carmichael: 'If you do not think me a fit judge of those powers don't appoint me. At any rate, I will not accept the appointment without them.' On similar grounds Cornwallis refused the appointment of Governor-General in 1786, and Parliament had to give him the necessary powers before he would accept office.

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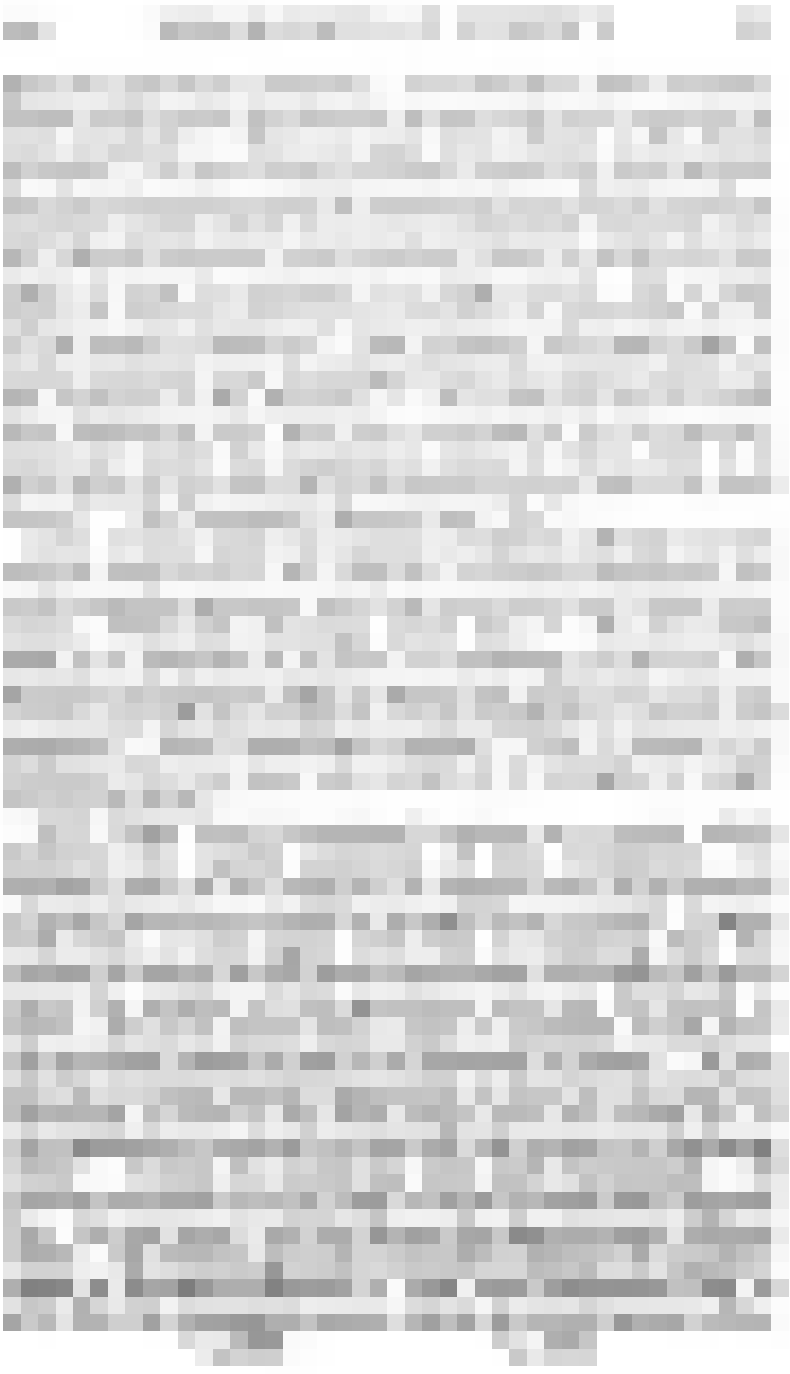

He had the insight to see that the root of Hastings' trouble was not an excess of power, but the fact that he was driven to intrigue by division of authority. As Lord Carmichael says of the grand committee: 'I do not like it altogether, and one of the reasons why I do not like it is that I think it will help to increase the risk of political intrigue'.[1]

§ 18. The one clear solution of the whole difficulty is indicated in the able evidence given by Mr. Aiyar. Independent testimony coming from this quarter is so important that I propose to quote it at length. Mr. Aiyar says:[2]

'I would oppose the institution of grand committees, especially in view of the suggestions made by the Government of India, which proceed on the erroneous basis of the absence of independent political thought, and on the assumption that every elected member must vote against the government. The disadvantage of the official *bloc* has been perpetuated, and smaller bodies than even the present councils are brought into existence. It has been argued that the grand committee affords scope for persuasion on the part of the elected member, but this process can take place in the council itself without a reduplication of machinery. The grand committee may be abolished, and the governor may asume responsibility for cases needing affirmative legislation, subject to sanction on the part of the Government of India or of the Secretary of State, and the inevitable review of policy by the select committee and commission.'

The Committee will note that Mr. Aiyar was speaking as Vice-President of the All-India Home Rule League and that he says this in his written answer to replies. In oral examination he steadily and repeatedly reinforced his view.[3]

'If the governor has made up his mind that a particular course is possible, there is no necessity for creating a chamber which is merely bringing into operation what his idea is, and it seems to me that the only argument which was advanced in regard to this matter—namely, the utility of a full discussion before the council, would apply equally well when I say that the conditions of the case may be met by the discussion in the legislative council and the governor taking action after such discussion. Why import a second chamber, especially of the composition suggested by the Government of India, if all that it means is that the government must have its way? Let the governor say so and have done with it.'

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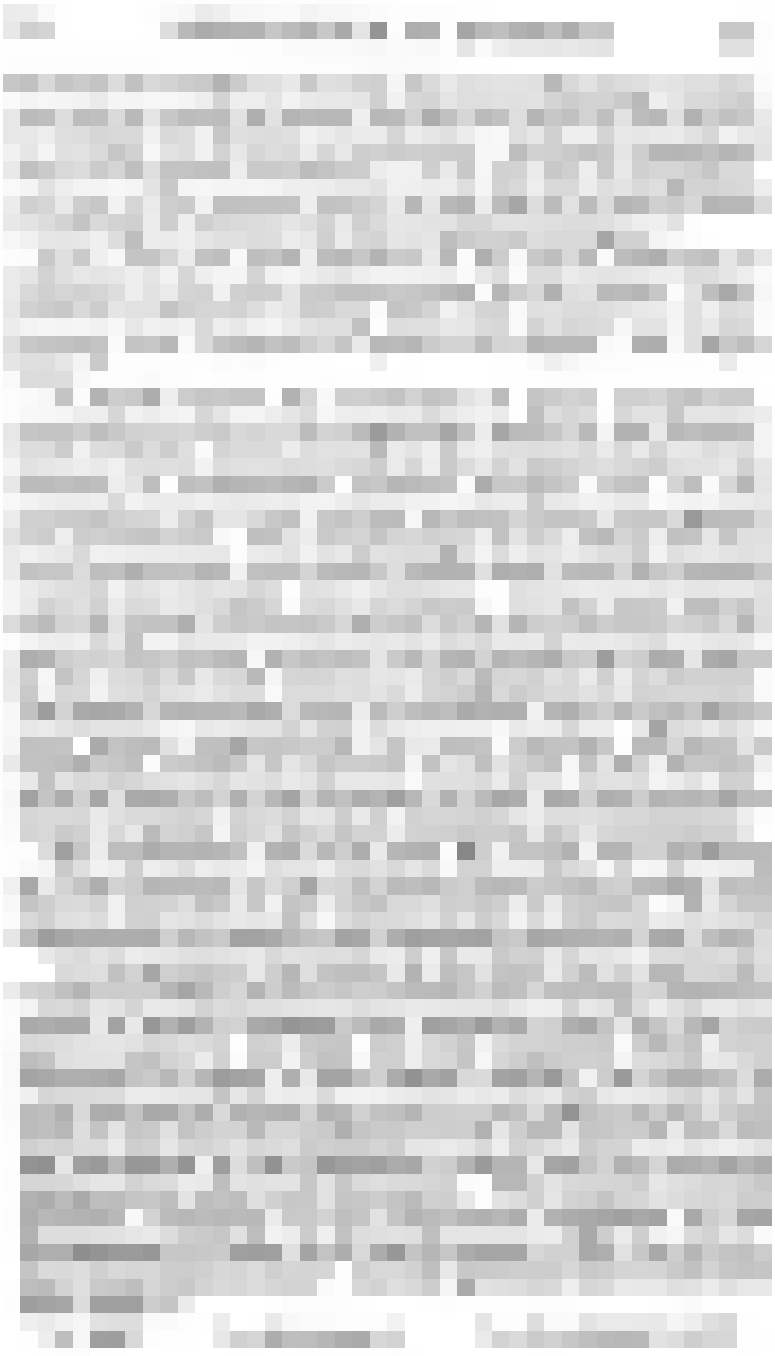

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Tackled once more on the subject next day by Lord Sinha and Lord Midleton, he resolutely maintained his position. Mr. Banerjea also says that if Indian members are not given the power to control legislation on reserved subjects he would prefer the responsibility to rest with the governor outright.[2] In para. 34 of his minute of dissent, dated March 5, 1919, Sir Sankaran Nair endorses the spirit of this view.

§ 19. The views of Mr. Aiyar are confirmed by the great authority of Lord Carmichael. When the Chairman said to him :[3] 'I think this is a most important point. With your experience will you tell us how you see the position of the governor under the proposed scheme?' Lord Carmichael replied :

'I think it would be a much more difficult position, I admit, and I think he would have to exercise his own responsibility more than he does at present. He would not rely as much on his advisers, because after all the governor has very great powers at the present time if necessary, and I think he would have to exercise his powers more in future than he does at present. I am not at all enamoured of the system as proposed of the grand committee ; I am inclined to think that, if not at once, very soon, Indians will begin to think they see through it. It is rather taking a responsibility off the governor and putting it on other people, who are not perhaps as fitted to take the responsibility as the governor is. I do think that in India—and, mind you, I have been a governor in Australia also—though you may say the things are perfectly different—I do think that in India, just because the Indians have not had so much responsibility themselves, they are prepared to see a governor doing what they do not like and to think that very likely he is right to an extent which certainly the Australians would not be.'

Of the grand committee he says[4] that 'the governor is not the least certain of the nominated members. It seems

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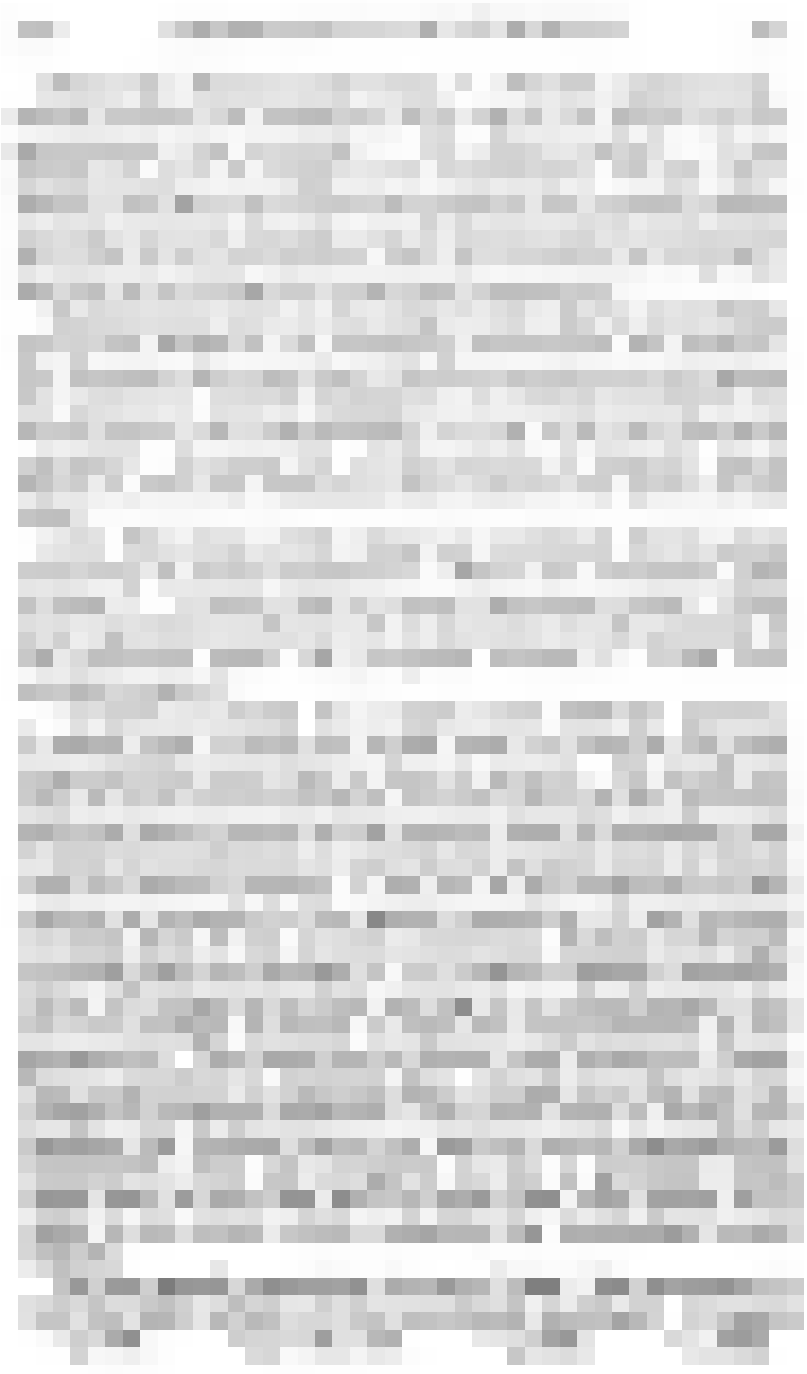

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§ 20. Whenever one broaches these views, as I have done many a time in India, to my official friends, they always replied: 'Do you mean we should revert to government by ordinance?' And they seemed to think that I had gone out of my mind. I cannot recall a single official who thought such a thing could be faced.[2] The Government of India see clearly enough that the grand committees as at present designed will lead to a deadlock. But they cling to the idea of having enough officials subject to secret orders to vote the Indian members down. So long ago as 1841 Sir George Cornwall Lewis uttered a prophetic warning against the danger of mocking a dependency with the semblance of parliaments, when responsibility cannot be conceded. But after-generations, deaf to this warning, created legislatures which they dared not trust with the power of decison, securing the executive by a troop of official members voting under its secret orders. We talk of our influence on the East; but one sometimes wonders whether the East has not a profounder influence on us. Our system in India is overgrown with a tangle of make-believe, and I hope Parliament will tear it down. If, as Englishmen believe, they are of all men the simplest and most honest, then let them realize that the true gifts they have for India are those drawn from their own store. Mr. Aiyar tells you that so long as you retain an element of autocracy in your government of India, she prefers that element to appear as such. It is the only government she has ever known. Do not cover it with a veneer of popular institutions too thin to deceive a child. If you want to make men in India give them verities and not shams.

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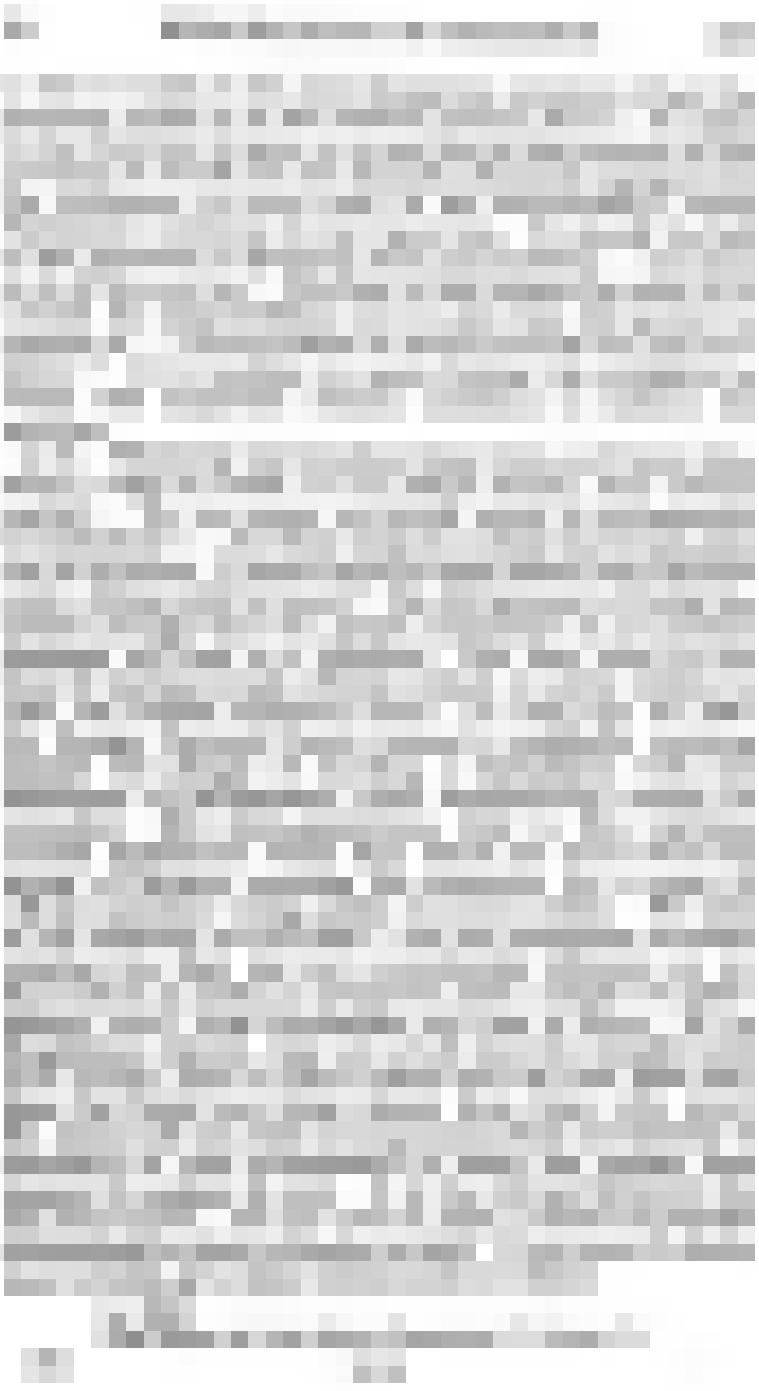
[2] See Report of Joint Select Committee, § 7, clause 11.



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§ 21. Lord Carmichael refused to be scared by this terrible word 'ordinance'.[1] Now why is this word so useful as a weapon against the advocates of direct methods? The real reason is that 'ordinance' has so far stood for decrees suddenly imposed without previous discussion in detail. Mr. Montagu asked Sir William Meyer:[2] 'What about an ordinance as contrasted with that form of legislation?' Sir William replied: 'There is all the difference in the world; an ordinance is an autocratic Act of the government. There is no necessary discussion on it, whereas in the Council of State a Bill will be put forward, there will be a select committee, there will be discussion and debate and amendments, and very often, as happens at present, the government may find that it is advisable to accept some of the amendments. That would not arise at all in the case of ordinances.' As the Joint Report itself says[3] the power of ordinance 'merely provides a means of issuing decrees after private discussion in the executive council, and without opportunities for public debate or criticism'. Exactly. The odium raised by the word is mainly due to a very natural distrust of edicts issued without any previous discussion in public. It was Lord Dalhousie who saw the mischief of such a practice and put an end to it except for rare and pressing occasions. Let us think for a moment what happens at present when government has to pass unpopular measures. Officials may neither speak nor vote except in accordance with the government orders, but when the governor has made up his mind that a Bill must be carried or that some amendment designed to emasculate it must be rejected, secret orders, which are no secret, are given by him to official members to vote it down. It is a humiliating sight to see the mechanical way in which the hands of the officials go up, when the division is called, and the solemn parade which is made of counting them. The governor might just as well count his own fingers, if it were not for the hazards of fever and dysentery. In the plan before you in the Bill your margin of safety in matters affecting the peace of India will often depend on the reading of a clinical thermometer.

§ 22. There are times when one knows, and the Indian members know, that government divisions would not be won if officials were free to speak and vote. What firm foundation can any system of government find in a hollow pretence like this? To an outsider the thing is a degradation

[1] q. 5789. [2] q. 6902. [3] Joint Report, § 276.

§ 21. Lord Carmichael refused to be scared by this terrible word 'ordinance'.[1] Now why is this word so useful as a weapon against the advocates of direct methods? The real reason is that 'ordinance' has so far stood for decrees suddenly imposed without previous discussion in detail. Mr. Montagu asked Sir William Meyer:[2] 'What about an ordinance as contrasted with that form of legislation?' Sir William replied: 'There is all the difference in the world; an ordinance is an autocratic Act of the government. There is no necessary discussion on it, whereas in the Council of State a Bill will be put forward, there will be a select committee, there will be discussion and debate and amendments, and very often, as happens at present, the government may find that it is advisable to accept some of the amendments. That would not arise at all in the case of ordinances.' As the Joint Report itself says[3] the power of ordinance 'merely provides a means of issuing decrees after private discussion in the executive council, and without opportunities for public debate or criticism'. Exactly. The odium raised by the word is mainly due to a very natural distrust of edicts issued without any previous discussion in public. It was Lord Dalhousie who saw the mischief of such a practice and put an end to it except for rare and pressing occasions. Let us think for a moment what happens at present when government has to pass unpopular measures. Officials may neither speak nor vote except in accordance with the government orders, but when the governor has made up his mind that a Bill must be carried or that some amendment designed to emasculate it must be rejected, secret orders, which are no secret, are given by him to official members to vote it down. It is a humiliating sight to see the mechanical way in which the hands of the officials go up, when the division is called, and the solemn parade which is made of counting them. The governor might just as well count his own fingers, if it were not for the hazards of fever and dysentery. In the plan before you in the Bill your margin of safety in matters affecting the peace of India will often depend on the reading of a clinical thermometer.

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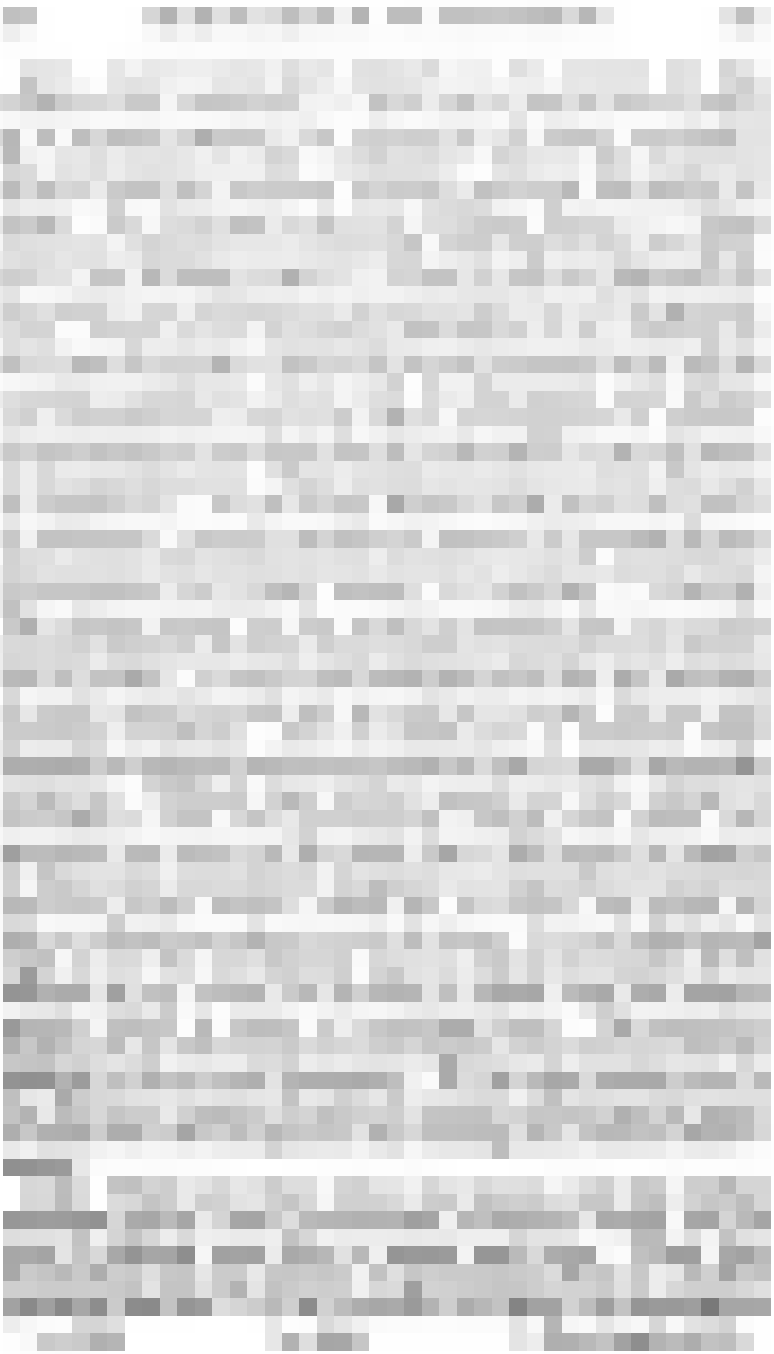
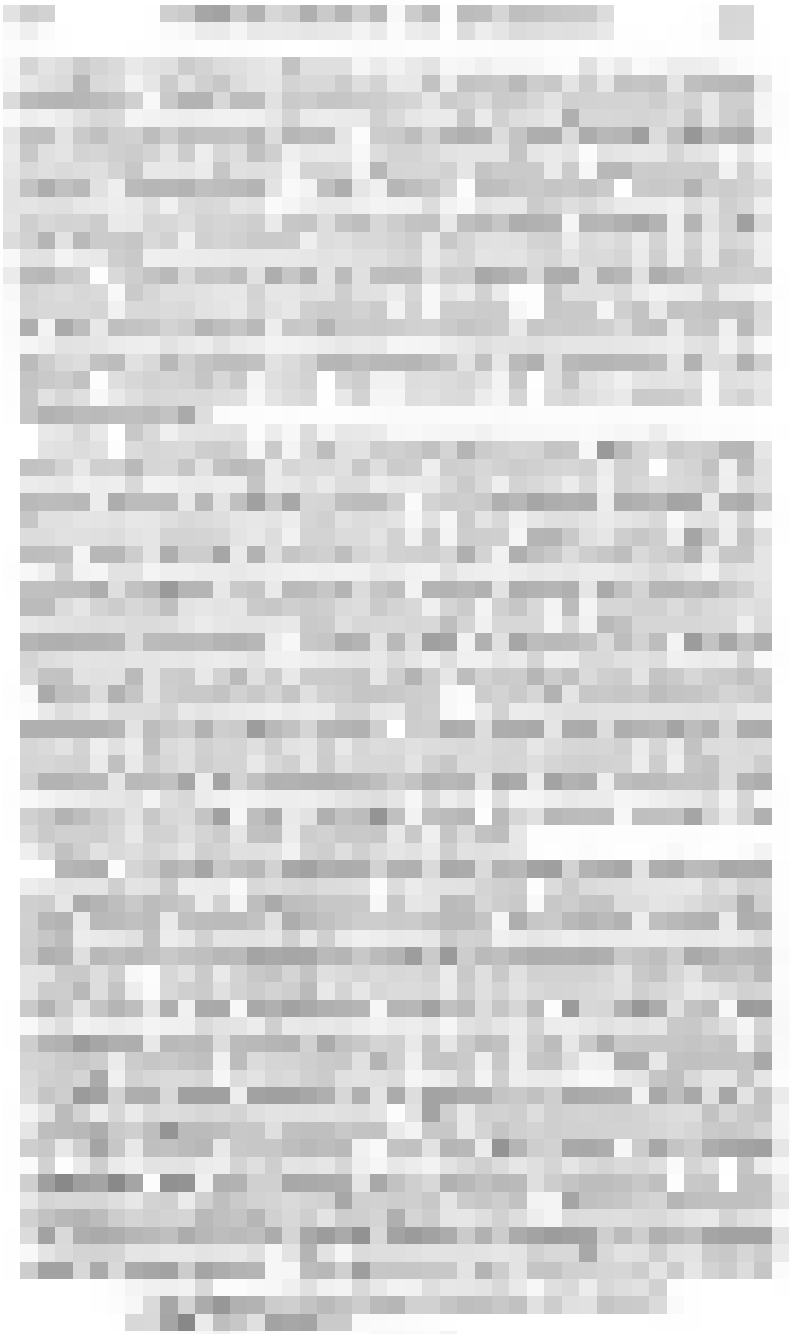


of highly intelligent officials in the presence of their Indian colleagues. But this prostitution of popular government has one really poisonous effect. Year after year British officials are paraded in public as a political party in opposition to Indian Nationalism. The bitter antagonism developed between the British services and educated Indians in the last decade is, I believe, as much due to this cause as to any other. Those who grow up with a sham and get used to it become blind to the mischief it works. How the authors of the Joint Report could have written sections 86 and 87 and then advocate a continuance of this practice on the grand committees and the council of state passes my understanding.[1]

§ 23. The point is that the governor now gets his way, and, under the Bill, is to get his way when he can, only by secret orders to official voters. If Parliament decides that there are matters in which he as their agent must get his way, why should he not do it as Mr. Aiyar and Lord Carmichael suggest, by issuing his orders openly and directly? The principle is perfectly plain and easy of application in practical procedure. When a Bill is moved, let a motion that it be not read a second time be prefaced by the words, 'That the governor be requested'. Let all amendments be prefaced by the same words. Then when the governor has made up his mind that he must carry his measure or that he cannot accept an amendment which has been voted by the council, let him say outright that he cannot accept the request, and put his reasons on record.

§ 24. It must be realized that the system here advocated as applicable to legislation on reserved subjects is simply that which already obtains on supply, and which, under the Bill, is still to be applied to votes on the estimates on reserved subjects. I am entirely in favour of the system under which the vote of the legislative council is to be taken on the estimates, and the governor is to take the responsibility of saying whether he accepts the vote or not.[2] The principle is just the same whether it is applied to money Bills or to ordinary legislative measures. The whole situation is cleared by this honest procedure. In the first place, the Indian members are not forced into artificial solidarity by the presence of a phalanx of European voters. Genuine divisions of opinion have a far better chance of coming to the surface and of being heard. The governor has therefore a far better

[1] See Report of Joint Select Committee, § 7, clause 6.
[2] Ibid., § 7, clause 11.



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In the second place, the opinion of the Indian majority comes upon record. Their responsibility for seeing that it is placed before government is properly discharged; thirdly, the governor's responsibility for final decision is plainly shown and made to rest where it ought to rest. By the governor I do not here mean the governor-in-council. I agree with Lord Carmichael that under the new scheme his personal authority should be much more marked. After listening to his official advisers the final responsibility of legislative decisions should rest upon him. He can be recalled. You cannot easily dismiss a whole executive council.

Fourthly, you get rid of the official phalanx of voters once for all. At the same time, the government is left with perfect elasticity as to official speakers. It can call to the council the officials best qualified to enlighten it on the measure before it. The saving of the time of busy British officials is itself an important economy. Moreover, when officials are publicly attacked, it would often be much more satisfactory to every one if they came to the council to defend themselves.

Finally, by this straightforward method you avoid all the ingenious complications of the grand committee with its phalanx of official voters, and the atmosphere of intrigue in which the governor will be involved when he is endeavouring to pack it with Indian members who can be trusted, as he hopes, to save his face.[1]

§ 25. The Committee will now readily understand why I endorse the view advanced by nearly all witnesses from India, that in all the larger provinces the governors should be taken from outside the service. India is full of historical survivals which are mere anacronisms. I fail to see any practical reason for maintaining the present contrast between the simplicity of government establishments in the United Provinces and the Punjab and the semi-viceregal pomp with which they are surrounded in Bengal, Madras, and Bombay. I should like to see some mean found between the two, but to have them all put on exactly the same footing in respect of emoluments, ceremony, and everything else. After all, the governor of the United Provinces rules more

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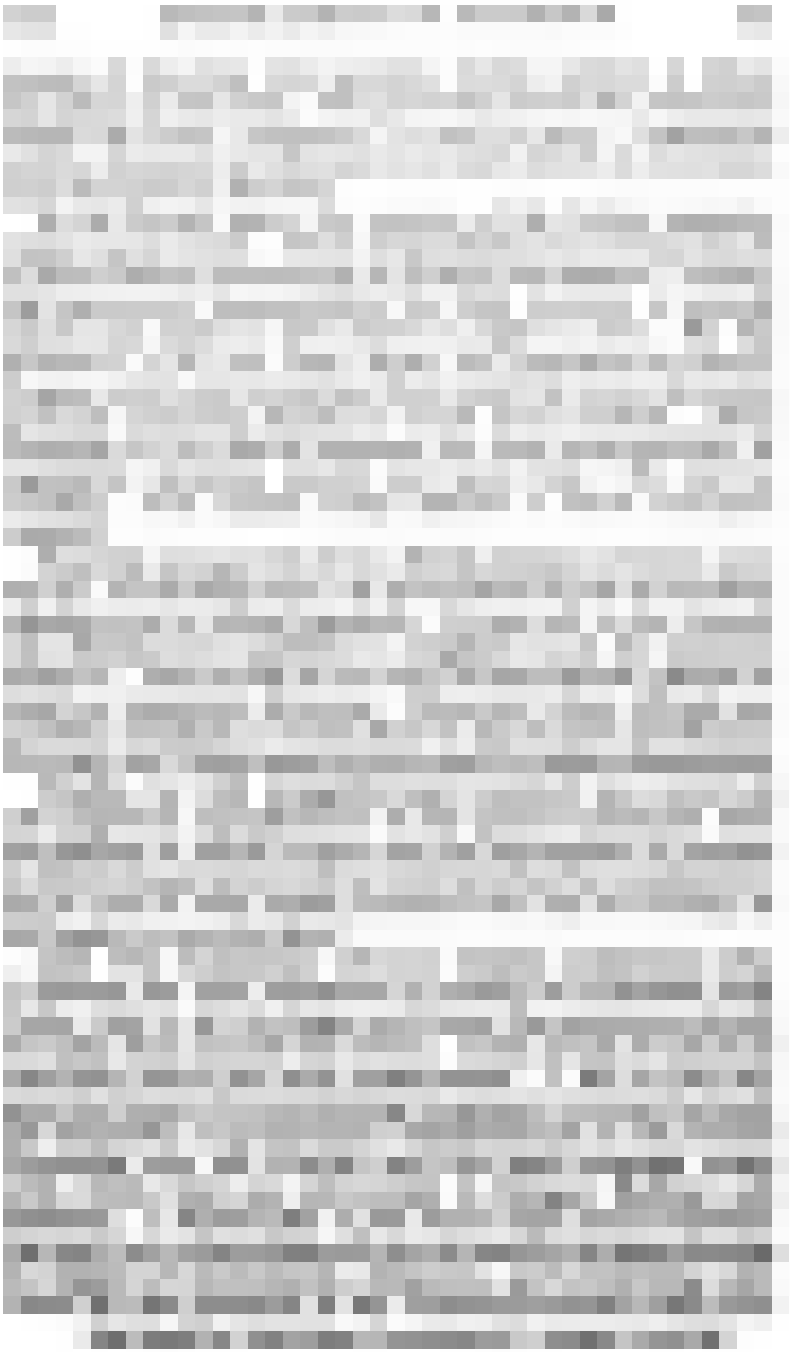

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§ 26. I should very much like to see experienced Dominion statesmen included in these appointments, for they have what British politicians have not—experience of provincial self-government.

§ 27. I am not shutting my eyes to the effect on the Service of depriving its members of the principal prizes to which they have looked. I think it may have a most serious effect on recruitment if great conspicuous figures like Sir Bartle Frere, Sir Alfred Lyall and Sir Anthony Macdonnell are a thing of the past. The Commonwealth cannot, moreover, afford to place men of this calibre on the shelf at fifty. I am strongly of opinion that the Dominion governments in Imperial Conference should be asked to approve of the principle of opening existing governorships to them. And when an Indian civilian has served a successful term as the constitutional governor of New Zealand or of an Australian State, I should like to see him regarded as eligible for an Indian governorship. Such an experience will make a great difference in the outlook of an Indian civilian, and with it I should say he would make an Indian governor of the most valuable type. He will certainly be more useful on the Government of India.

§ 28. Certain details of procedure remain to be sketched. I have already suggested that the body of legislators when dealing with reserved subjects should be called the 'legislative council', and when dealing with transferred subjects the 'provincial assembly'. I have also said that I should like to see the assembly elect its own speaker. I should like it to frame its own standing orders, subject to the governor's approval. I do not think the governor should enter it except to open it and on special occasions. Members of the executive council might have the right to call officials into its councils at their own discretion.

§ 29. I should like to see the governor nominate the fittest person he can find, whether inside or outside the legislative council, to preside over it. He himself should have

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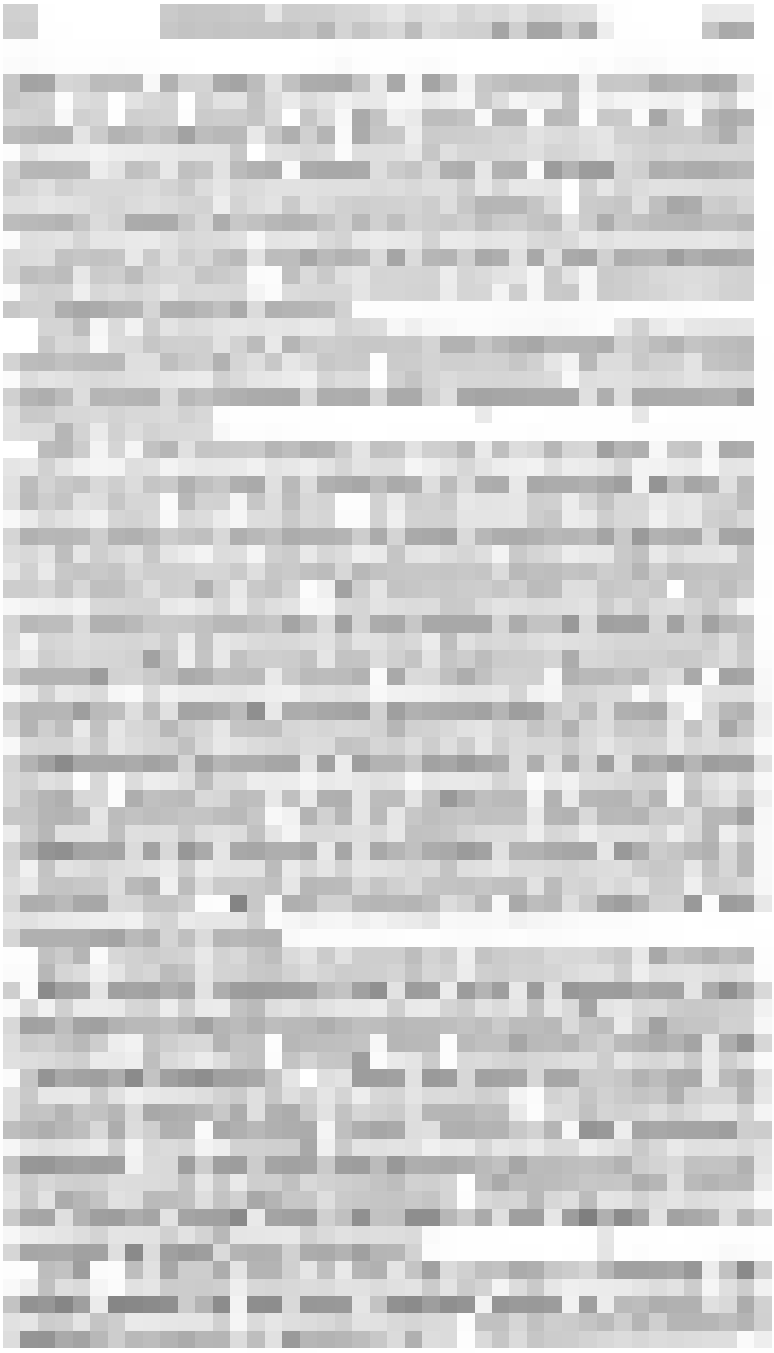

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§ 30. On the kindred matter of the joint or separate purse, I will here quote what I wrote to the Drafting Committee:

'Nowhere is this maxim (beware the pitfall of concurrent jurisdiction) more important than in the sphere of revenue, for defects of government have a way of revealing themselves in terms of finance. Where you have two collateral authorities it is vital to define their several responsibilities, and it is largely by distinguishing their respective resources that this definition is achieved. If limited functions are assigned to an authority with a separate mainspring, it is of vital importance to see that the resources upon which that authority can draw are limited with equal or even with greater accuracy. And this is of cardinal importance where the mainspring is electoral, and especially when, as in this case, the authority to which all other powers and resources are reserved is not also responsible to an electorate. The whole art of responsible government is achieved by the hard process of learning that you cannot have the moon by crying for it, that the ends you desire must be accommodated to your means. Nowhere can this hard lesson be learned so pointedly or so quickly as in the field of finance. What would happen indeed if no definite resources were assigned to municipal or district councils, and if they and their electorates were left to feel that their annual programme was only limited by what they could squeeze out of the general government? The main value of the system, as a school of responsible government, lies in its efficacy in making the municipal electorates see that their programme of public services must depend on the sacrifice they are prepared to make in their private resources.

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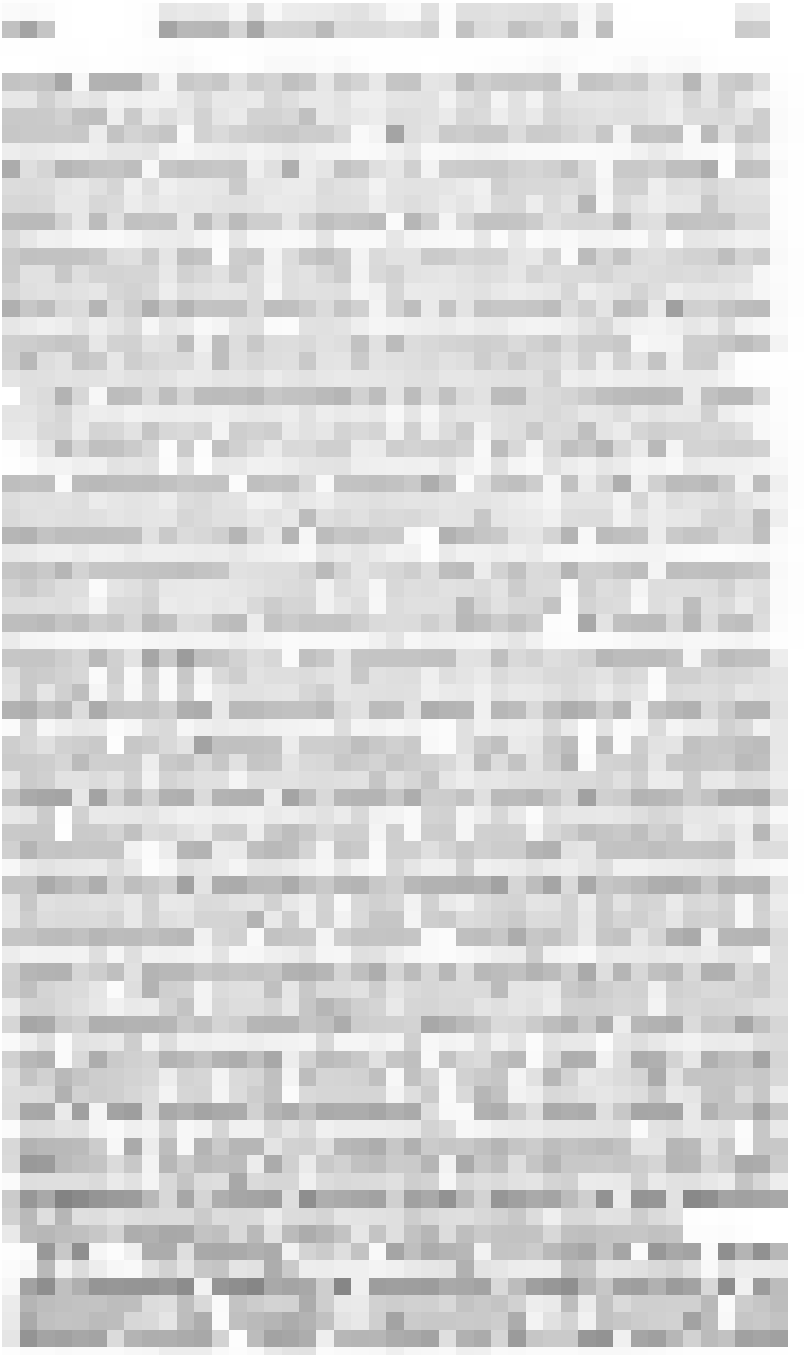

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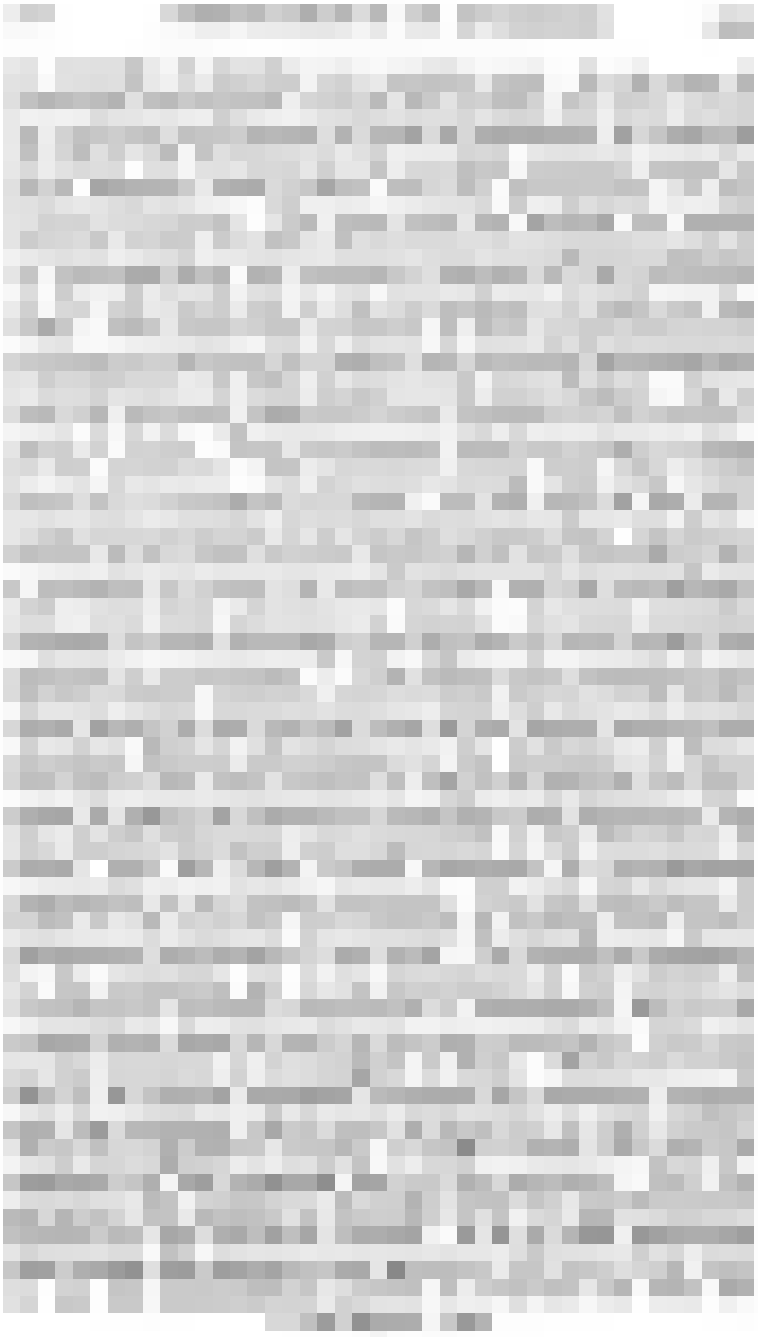

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§ 32. 'A more potent device for embroiling the two authorities with each other, or for antagonizing the British Government and the Indian electorate, can scarcely be imagined. But an even worse feature of the system is its tendency to distract ministers, legislators, and the electorate from the business of self-taxation. Their energies will be directed to squeezing the governor and his executive council. The proposal is one which puts a premium on leaders with a genius for baiting the officials. I have said elsewhere, and I take this opportunity of affirming, that Indian electorates, legislators, and ministers will not begin to learn the elements of responsible government until they have acquired the habit of taxing themselves.

§ 33. 'The arguments in paragraph 256 against the obvious expedient of periodic settlements framed by an authority independent of both parties are perhaps the least convincing in the whole Report. Strangely enough, it admits that 'the transferred services are generally those which stand in greater need of development'.[1] The converse must therefore be true, that it is much easier to say from experience what proportion of the existing revenue should be allocated to the reserved subjects. The problem presents no greater difficulties than those which had to be faced in framing the existing quasi-permanent settlements between the provinces and the Government of India. To effect a final and complete separation between Indian and provincial finance as proposed in the Report is a far more formidable task than to make periodic divisions of revenue correlative to the reserved and transferred powers. In section 210 it is contemplated that certain sources of new taxation must be appropriated to the provinces. These should, of course, be divided between the executive council and the ministry. Both executives should be made to feel that they cannot

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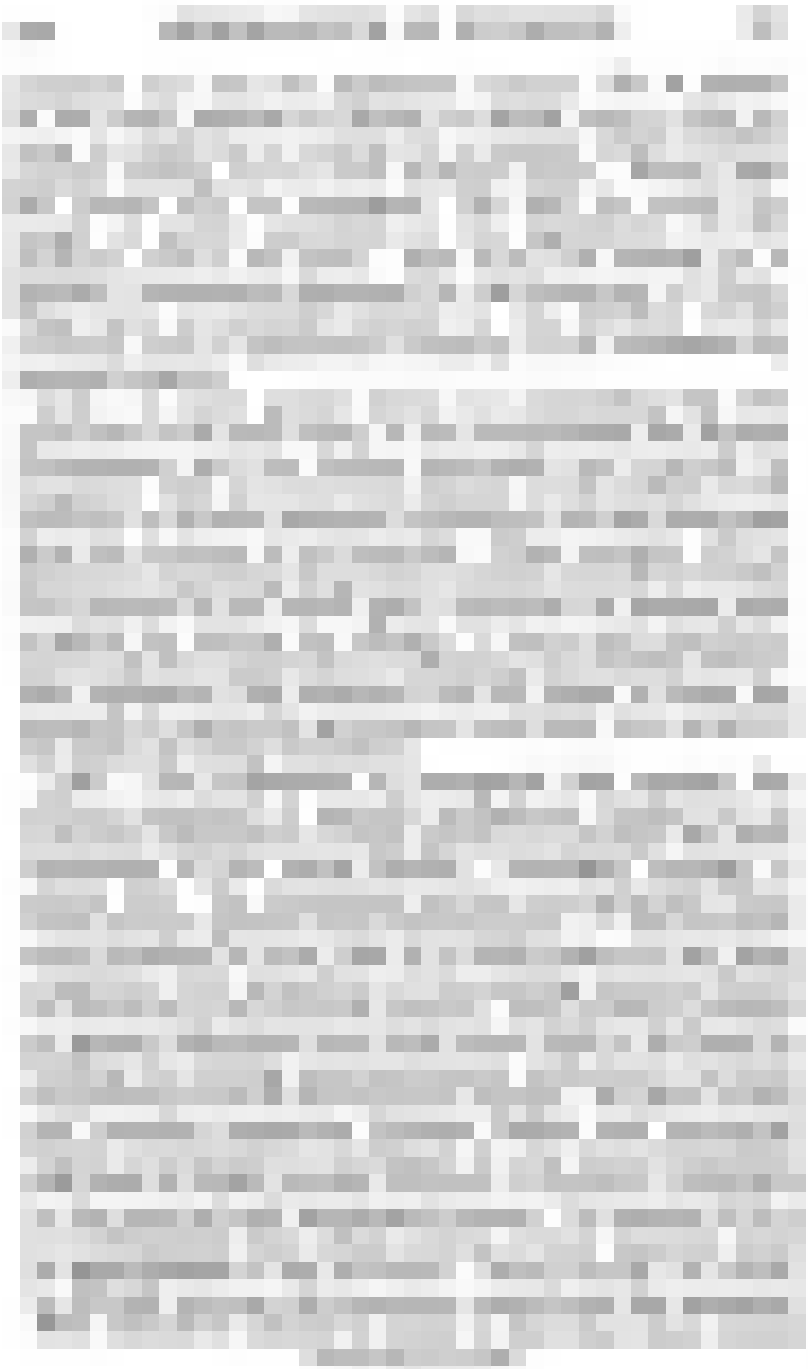
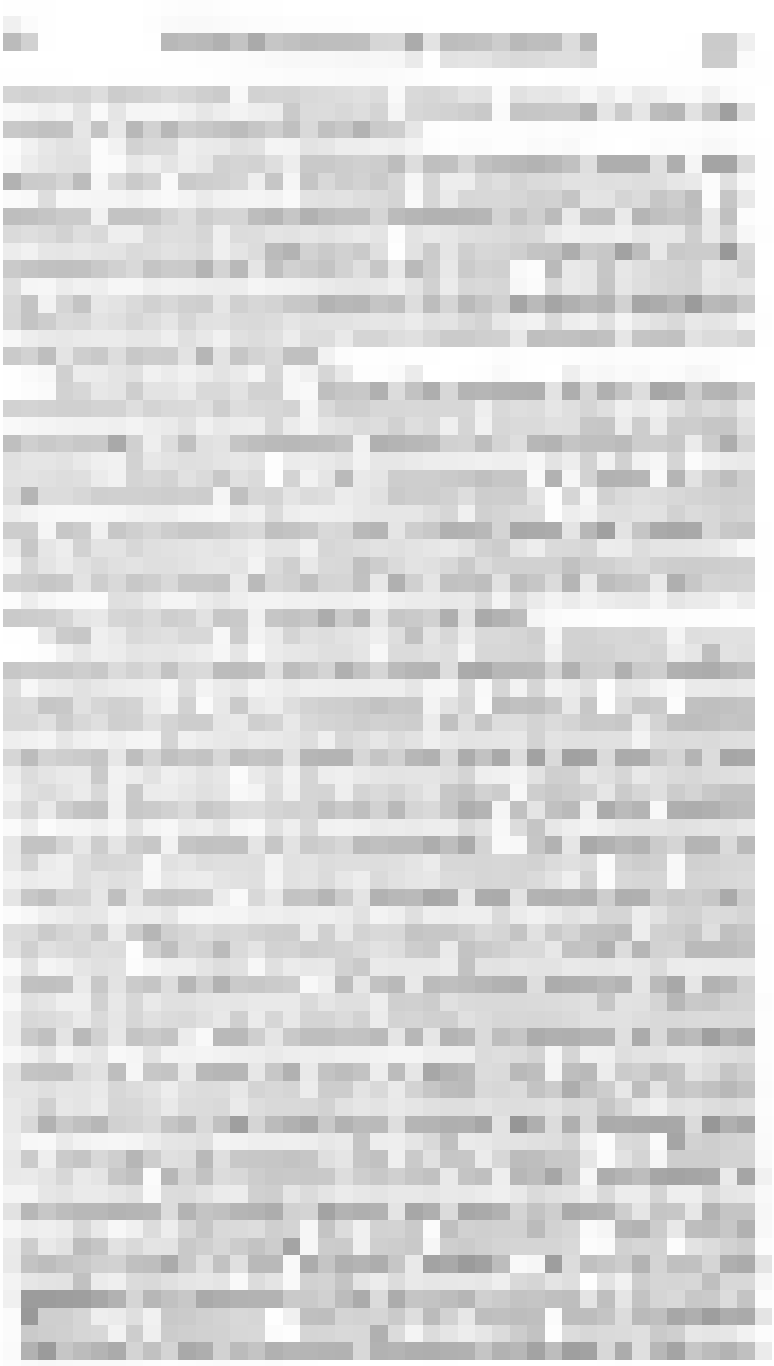


exceed their fixed assignments without having to face the ordeal of proposing new taxation.

§ 34. 'For reasons which are not touched upon in this Report, the want of elasticity in provincial revenue in regions where the permanent settlement does not obtain is, I believe, greatly exaggerated. In 1812 90 per cent. of the unearned increment accrued to the state. In the course of the last century the proportion of the unearned increment collected by the state has been steadily reduced until it is now less than 50 per cent.

'But this is not all. Where the produce of the land has increased since the last settlement by more than a certain percentage, the settlement officers are instructed by the revenue department of the Government of India to cut their assessment down to a certain figure. I was assured by one settlement officer that, acting under the orders of this department, he was obliged to sacrifice lakhs of revenue which would have accrued to the state had he been free to place a full and fair valuation on the land.

'The amount of revenue which would otherwise have accrued to the state has thus been reduced by the revenue department of the Government of India in two ways. In the first place, the proportion of the net assets collected has been reduced from time to time from 90 per cent. to less than 50 per cent. In the second place, where the increase in value has been exceptionally rapid it has been written down in the books of the government. The annual loss to the public revenues must have amounted to very many crores of rupees. I doubt whether the benefit has in any sensible degree accrued to the classes who actually cultivate the land. Broadly speaking, it has gone to swell the rentier class of non-producers. In the ryotwari districts the produce of the land is in theory divided between the cultivator and the state. The reduction in the proportion of revenue taken by the state has been so great that the former ryot has in many cases been able to sublet his holding to another cultivator, the rent sufficing to support him in idleness after he has paid the amount due to the treasury. In Madras I am told these ryotwari tenures are freely purchased as investments by vakils, banias, and men of means who have no idea of cultivating the land themselves. They freely change hands in the property market. In so far as this happens, the intention of the ryotwari system, as devised by Munro, is defeated. Through the steady and progressive reduction in the proportion of revenue collected by the state,



exceed their fixed assignments without having to face the ordeal of proposing new taxation.

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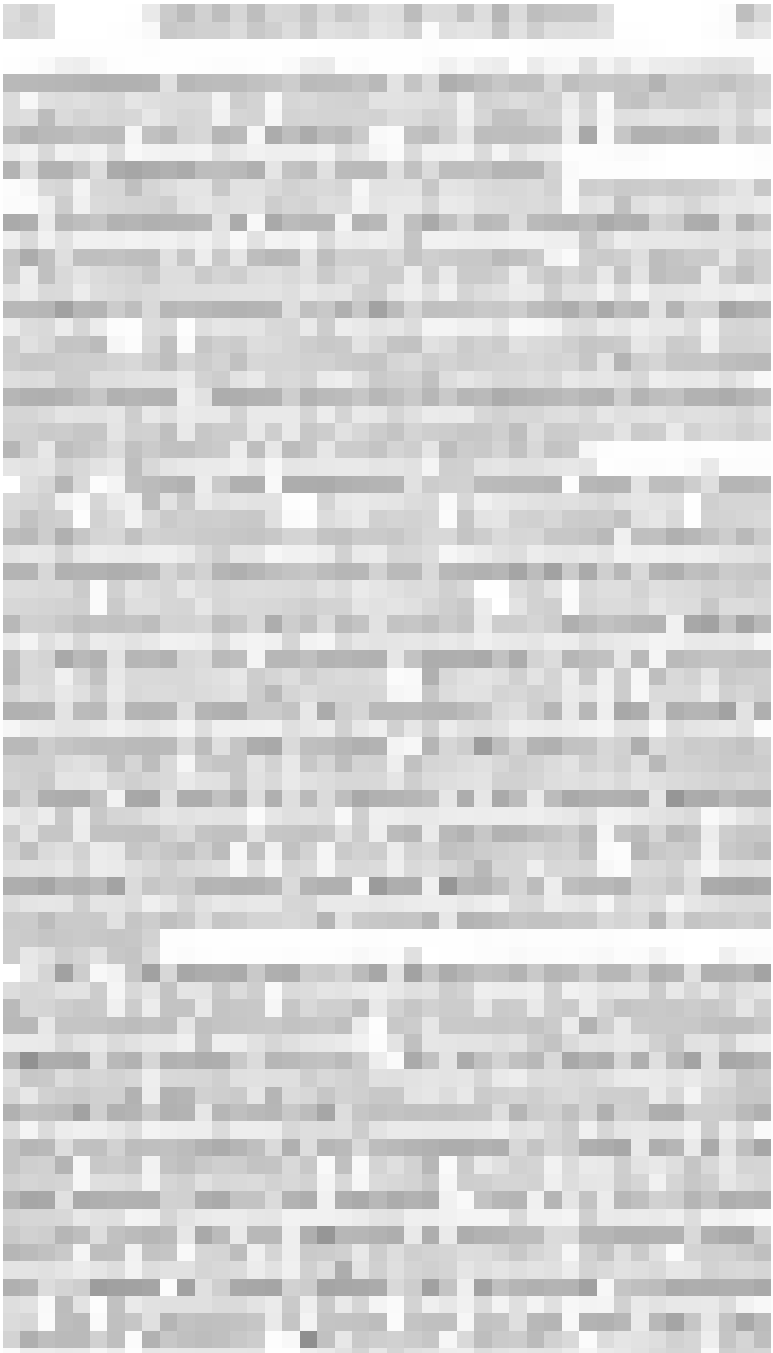
a middleman, revenue collector, or landlord indistinguishable in practice from the zamindar, has slipped in between the cultivator and the treasury. The system of ryotwari is, in fact, degenerating into that of zamindari.

'In reading the minutes of the revenue department of the Government of India, one gets the impression that its chief concern is to keep down the revenue. The reason lies in the consciousness on the part of alien rulers of their own weakness in governing a people even so submissive as those of India. As Lord Cromer said, such a system can only maintain itself at all by providing government on the cheapest possible terms. Hence the policy of keeping down the revenue collected from land to the lowest possible limits has become the fixed tradition of the revenue department.

§ 35. 'These vast remissions of revenue have not been made by Parliament. It would be interesting to know whether the successive reductions were actually ordered by the Secretary of State or after full consideration in executive council by the Government of India. One would scarcely be surprised to find that the pressure on settlement officers to keep down the valuations originated only in minutes from the revenue department. But certain it is that they have not been made by any legislature, nor as the result of any discussion in open debate. In this matter the Government of India, with or without direct orders of the Secretary of State, has acted in its capacity as the ultimate landlord of all British India which is not permanently settled, and also as a landlord of the most indulgent kind. These vast remissions of revenue have been made by virtue of orders issued in the privacy of the revenue department of the central government.

§ 36. 'The signatories to the Report advise that the whole proceeds of the land revenue should now be transferred to the provincial governments. In examining the arguments against this course, they say: We are told that in the days of dawning popular government in the provinces, it would be well that the provincial government should be able to fall back on the support of the Government of India (as, if the heads were still divided, it would be able to do) when its land revenue policy was attacked. But it is just because divided heads are not regarded as merely a financial expedient, but are, and so long as they survive, will be, viewed as a means of going behind the provincial government to the Government of India, that we feel sure that they should be abolished. We propose, therefore, to make land



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revenue, together with irrigation, wholely provincial receipts.[1]

'From these words the intention must be understood to be that in future the revenue department of the Government of India, which has hitherto dictated the land-revenue policy of the provinces, will, in future, have nothing to say to it. With this conclusion I broadly agree, but the treatment of the problem is scarcely equal to its gravity. There is vastly more in the land-revenue policy of India than the mere collection of money, and one cannot but feel that the main issues involved should have been set out. It is the standing defect of official papers in India that they are written by experts for experts, who are presumed by the writers to be fully cognizant of the system as a whole, with all its implications. They resemble financial disquisitions written for bankers by bankers. The great merit in this Report is that so little previous knowledge is required in the readers. But the passage under discussion is an exception, and I do not feel sure that its authors quite faced the issues for themselves. I propose, therefore, to raise a few questions which suggest themselves to one with a cursory knowledge of this most technical subject.

§ 37. 'To begin with, are there no limits to the devolution of authority which can be delegated to provincial governments in the matter of land revenue? The devolution proposed is, of course, to the governor-in-council of the province, and not to the new popular governments, and the control of the land revenues is presumably one of the last functions which would be transferred to elective authorities. But is the governor-in-council to have power to commit his province to the permanent settlement? We have only to look at Bengal to see how disastrous the step would be, not merely on financial grounds, but still more to the social condition of India. But no step would appear to be more popular, for the reason that those who would profit by it are so large a part of the relatively small class who have formed and can express a public opinion. And let it be realized that to decide this question now is to take the decision for ever out of the hands of electorates large enough to speak for the people as a whole, such as it is hoped will in time be brought into existence. Essentially the question of the permanent settlement is one not to be touched until India is ripe for full responsible government.

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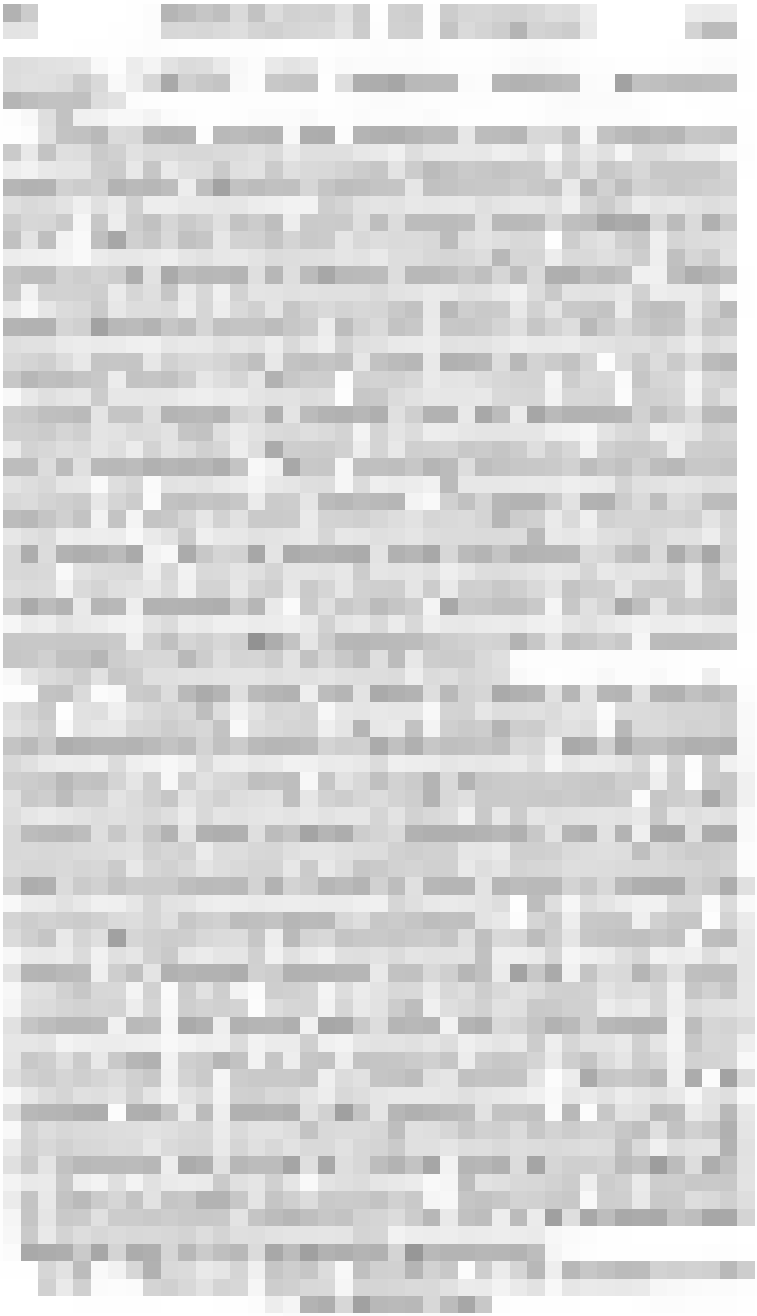

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§ 39. In a study of the land revenue system which I hand in to the Committee,[2] I have produced evidence which suggests that in comparison to its wealth, no other great country is so cheaply governed as India. Personally I think India has seriously suffered from this over-cheapness, more especially in the sphere of education. I am convinced that

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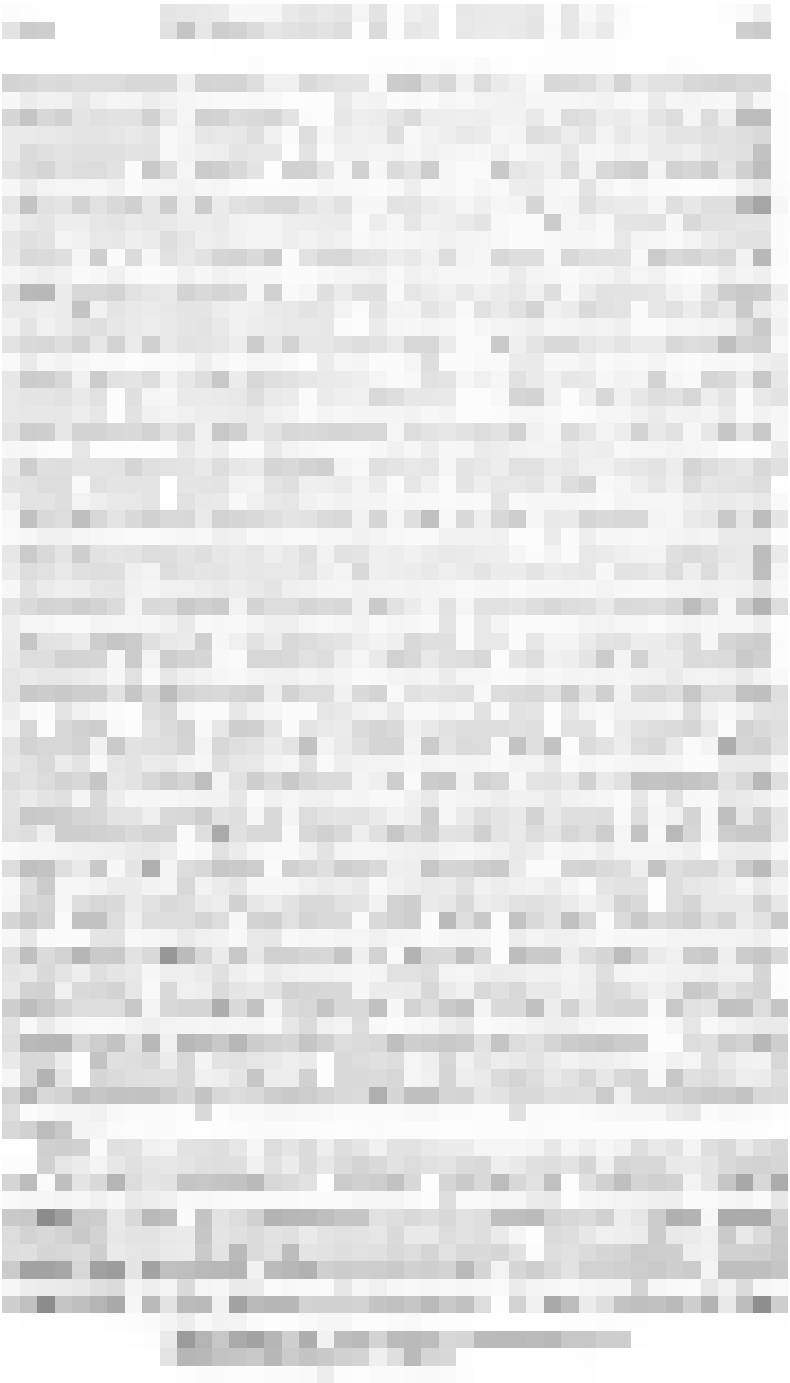

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§ 40. I well know the dread with which Indian Nationalists regard the prospect of having themselves to impose taxation. It appears in every line of the 8th and 9th sections of Sir Sankaran Nair's minute of April 16, 1919. The Sanjiwani in Calcutta cried out against the Joint Address on its first appearance that 'This plan of leaving to provincial (State) governments certain specific powers of taxation would make such governments unpopular'. I know it, and my Indian friends will bear with me if I repeat what I have said to them from the outset, that the first green blade of responsible government will be seen rooted in Indian soil when an Indian ministry is found to face this unpopularity. Such men may fall. They will fall to rise again. But it is well-nigh impossible for ministers to come to this point so long as you enable taxpayers to say that had ministers done their duty they would have wrung it out of the reserved estimates.

§ 41. I happen to be able to bring a little first-hand experience to bear on this question. When I first took charge of the department which dealt with local authorities under the crown colony government of the Transvaal I found they were mainly dependent on government grants. Their whole energies seemed directed, not to administration, but to clamouring at the doors of the department. Their total demands added together would soon have reduced the government to bankruptcy. They seemed to have no kind of interest in economy or self-help. I persuaded the government to fix their grants on definite principles and give them a system of local taxation. The change which occurred when they recognized that this was final was remarkable. Instead of holding out their hands to the government in every little difficulty they turned to and set matters right for themselves. But what was even more striking was the improvement which took place in their relations with government. The moment their resources were defined

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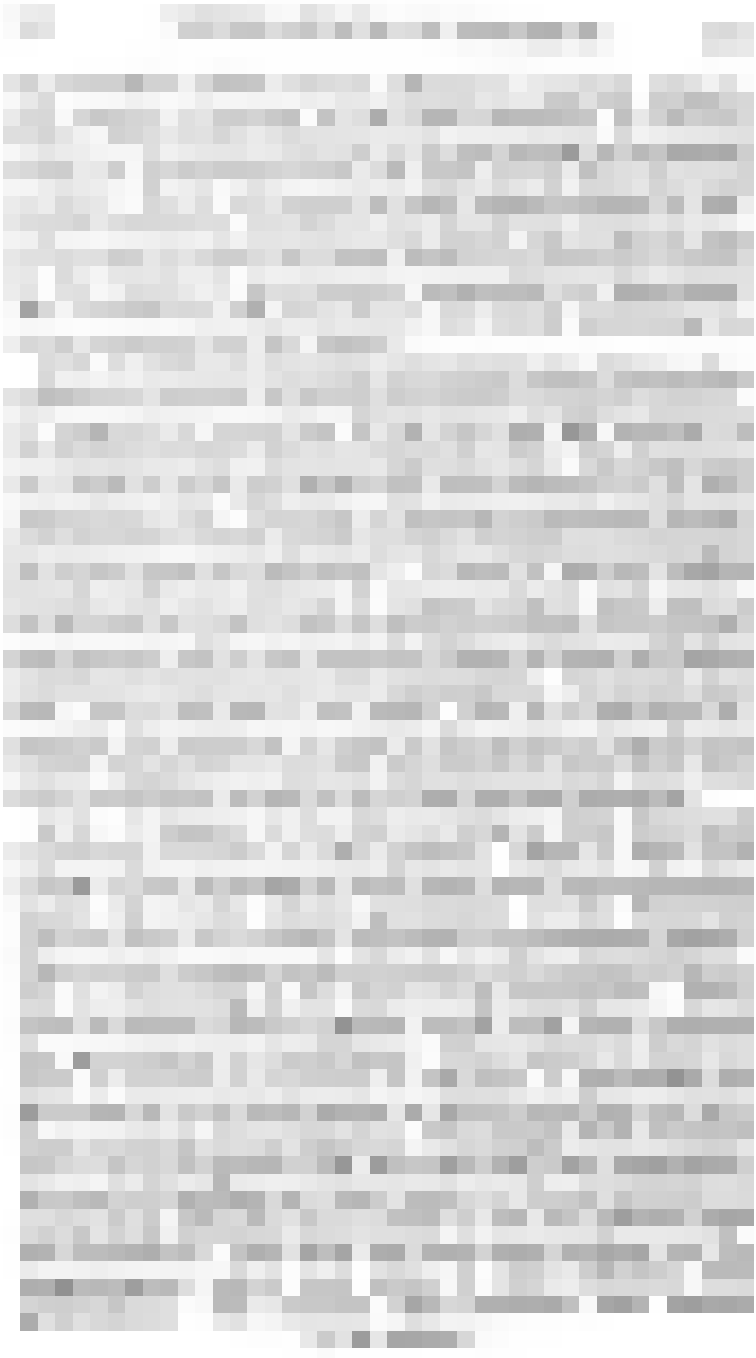

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§ 43. I hope the Committee will at any rate insist on the proposal mooted by Lord Sinha,[4] by Mr. Montagu,[5] and supported by Sir William Meyer,[6] and by Mr. Feetham,[7] 'to provide machinery whereby a separate purse could be adopted in any province on the initiative of the governor'. I have no doubt whatever what the result will be. I would strongly urge that that machinery should consist of a commission appointed by the Secretary of State such as that over which Lord Southborough presided. Behind this recommendation is a question of policy. You do not, in my opinion, help the Indian civil service in their difficult work by imposing on them the task of shaping the final decisions which have to be taken by the Secretary of State or Parliament on constitutional questions. I feel that on the whole question of reform it would be better for the Cabinet to look to the Viceroy as their adviser, not the Governor-General-in-Council, leaving him to place before

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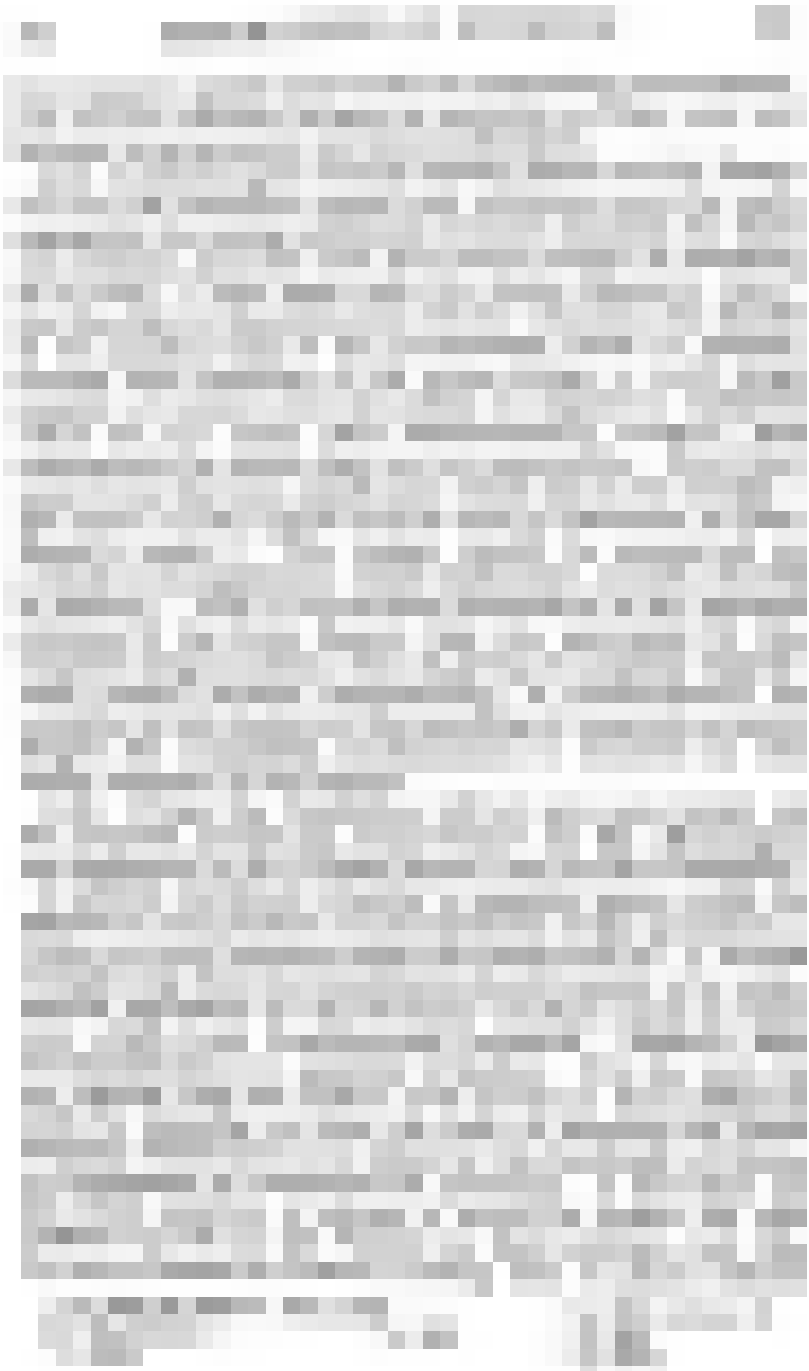

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§ 44. The same principle applies to the shaping of constitutional settlements for ratification by the Secretary of State. The Committee will see my meaning if they will consider how little suspicion has been provoked or friction raised by the Southborough Committees. Contrast this with what would have happened if Parliament had left the local governments to shape franchises and lists of transferred subjects for their final approval. The state of suspicion and unreason aroused thereby would have aggravated the difficulties which the local governments have to face, and have prejudiced the prospect of the reforms. The distinction I am trying to draw between the functions of the governments in India and that of the home authorities is closely analogous to that between the officers of the Navy and the naval architects. The officers ought to be consulted on every detail of the ships they will have to work. They ought not to be asked to draw the actual plans upon which the Sea Lords will have to decide. That is why I think it so important that periodic settlements of revenue when asked for by governors should be examined by committees like those of Lord Southborough, before ratification by the Secretary of State. The executive council and ministers can both state their case to such committees, and when the settlement is made I do not hesitate to predict a marked improvement in their mutual relations.

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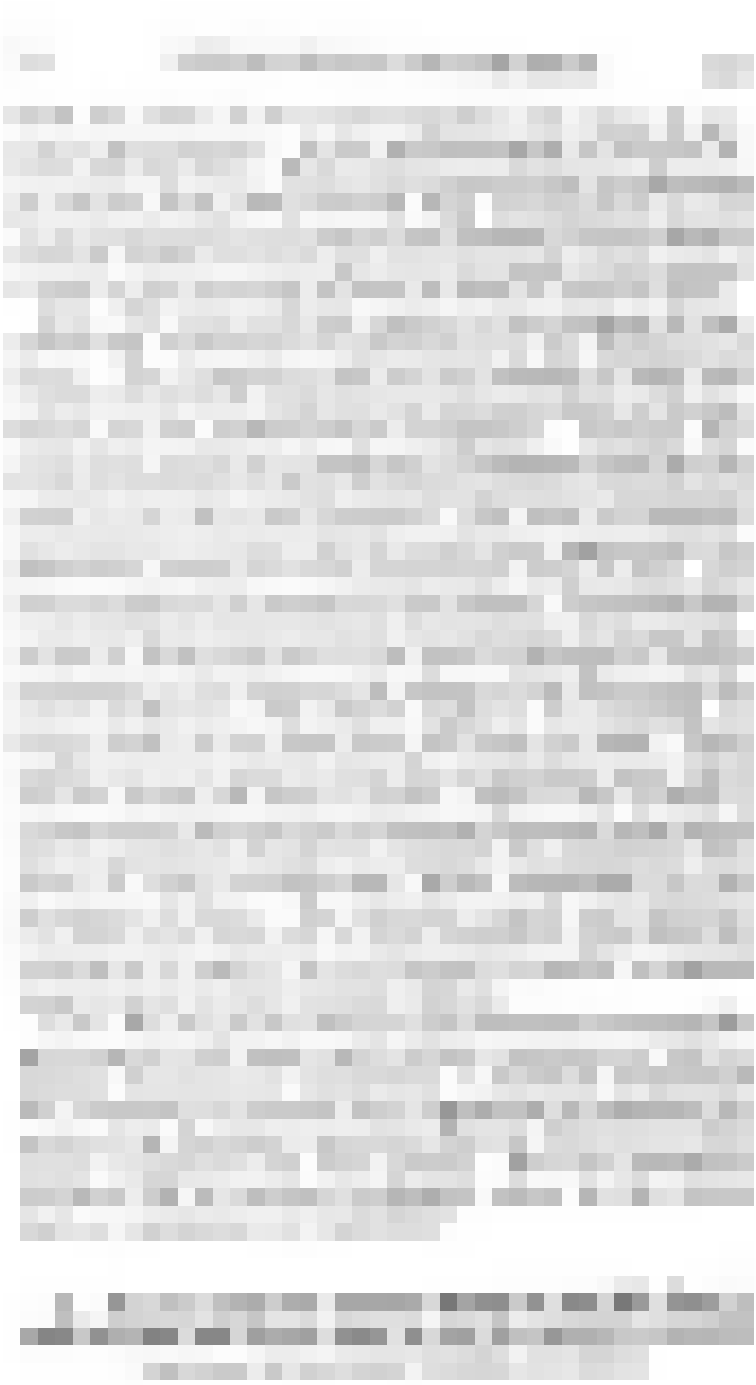
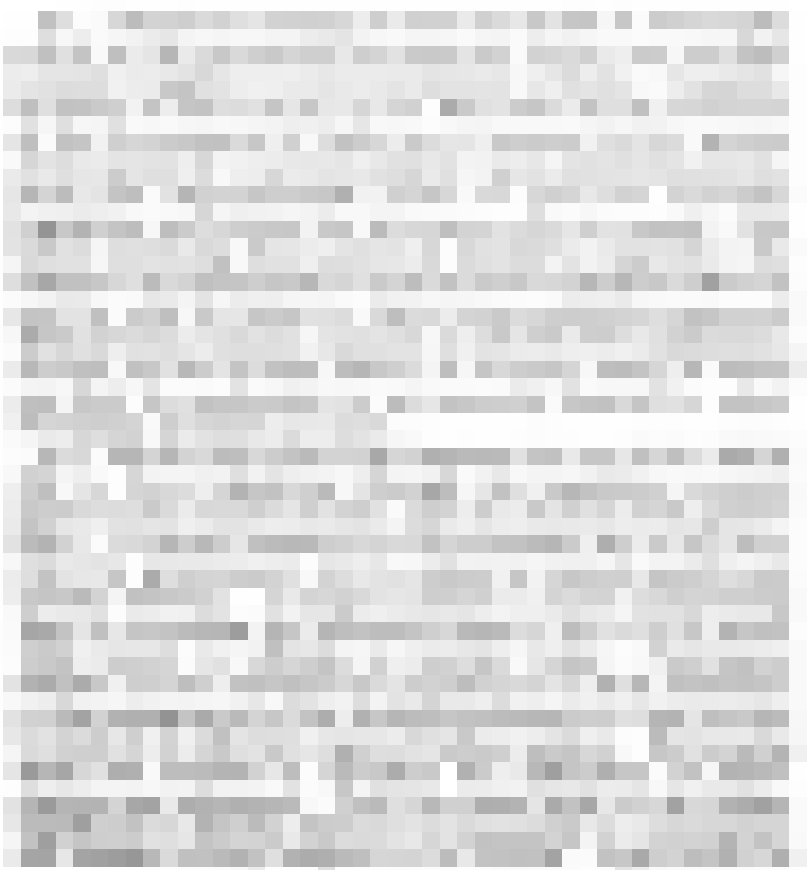


a similar measure of control over the central government as that given to provincial legislative councils over provincial governments? 12. Do you agree that it is advisable none the less to provide for a substantial elective majority in the Indian Legislature? (Clause 16.) 13. Do you accept the plan of a bicameral legislature as arising out of this, as constituting both a satisfactory machine for the ordinary purposes of legislation and as affording the means to the Governor-General-in-Council to secure legislation which he regards as essential? (Clauses 14, 15, and 16.) 14. Do you accept the provisions of the Bill as to the course of legislation in the Indian legislature? (Clause 20 (3) and (4).) Or do you regard them as unnecessarily restrictive on the popular will, or as inadequate means of ensuring to the Governor-General-in-Council the discharge of his responsibilities?

§ 1. I think the working of dyarchy should be thoroughly tested in the provincial governments before any attempt is made to apply it to the Government of India. I approve therefore of this feature in the Bill, that all the functions of the Government of India are to remain for the present of the nature of 'reserved subjects' upon which the government has unquestionable power to pass the necessary legislation and obtain the necessary votes in supply. But before exercising these powers it should be exposed to the influence of representatives of all sections of Indians affected, and be able to listen to their views publicly expressed. British India contains upwards of 200,000,000 inhabitants, divided up into a large variety of sections, many of which can find no spokesmen in an assembly limited to about 94 Indian members at most.

§ 2. All the objections urged against the use of the official *bloc* to force legislation through the legislative councils apply to the council of state, and one of them with greater force. If elected members in the assembly are to be overruled by government, let its orders be issued openly and operate directly. I cannot conceive a more exasperating way of overruling the assembly than to do it by a secret whip issued to officials in another body. Continuous reliance on this mischievous expedient is a fatal hindrance to the enlargement of the Indian legislature to a size needed to make it an effective organ of Indian opinion. By keeping down the number of members the difficulties of direct election are enhanced. Until the main body of the Indian legislature is directly elected it is impossible to contemplate the transfer of any subjects to its control. Apart from its



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§ 3. Another serious objection to indirect election by the provincial assemblies is that as they always tend to elect from their own members, an election to the Indian assembly precipitates a crop of by-elections all over India. This did not matter under the old system. It may matter a great deal when ministers' tenure of office depends on a balance of parties.

§ 4. These complicated proposals suffer from the same defect as the Minto-Morley reforms, because they are based on the same principle. They are utterly inelastic. There is in them no capacity for development in the direction of responsible government. The moment you adopt the simple straightforward method of legislation whereby motions which the Viceroy cannot accept are rendered inoperative by his simple refusal, all these difficulties either vanish or are greatly diminished. The numbers can be fixed solely with an eye to enabling government to hear the views of all representative sections in India. The constituencies can be proportionately reduced in size. In this context, however, I wish to say that it seems to me that far too much importance is attached to constituencies small enough to enable candidates to come into personal contact with the electors. That is scarcely a good argument for giving voters no representation at all, for half a loaf is better than no bread. And is it altogether a disadvantage that electors should have to judge less by the ingratiating manners of the candidates than by the issues they represent? Direct elections cannot be more unreal than these hole-and-corner elections of handfuls of legislators. The ungenuine character of these elections and their tendency to corruption have not, I feel, been weighed as against the difficulties of real representation. I see no insuperable obstacle in grouping the constituencies delimited for the provincial councils and taking as the franchise electors on the roll above the age of 30.

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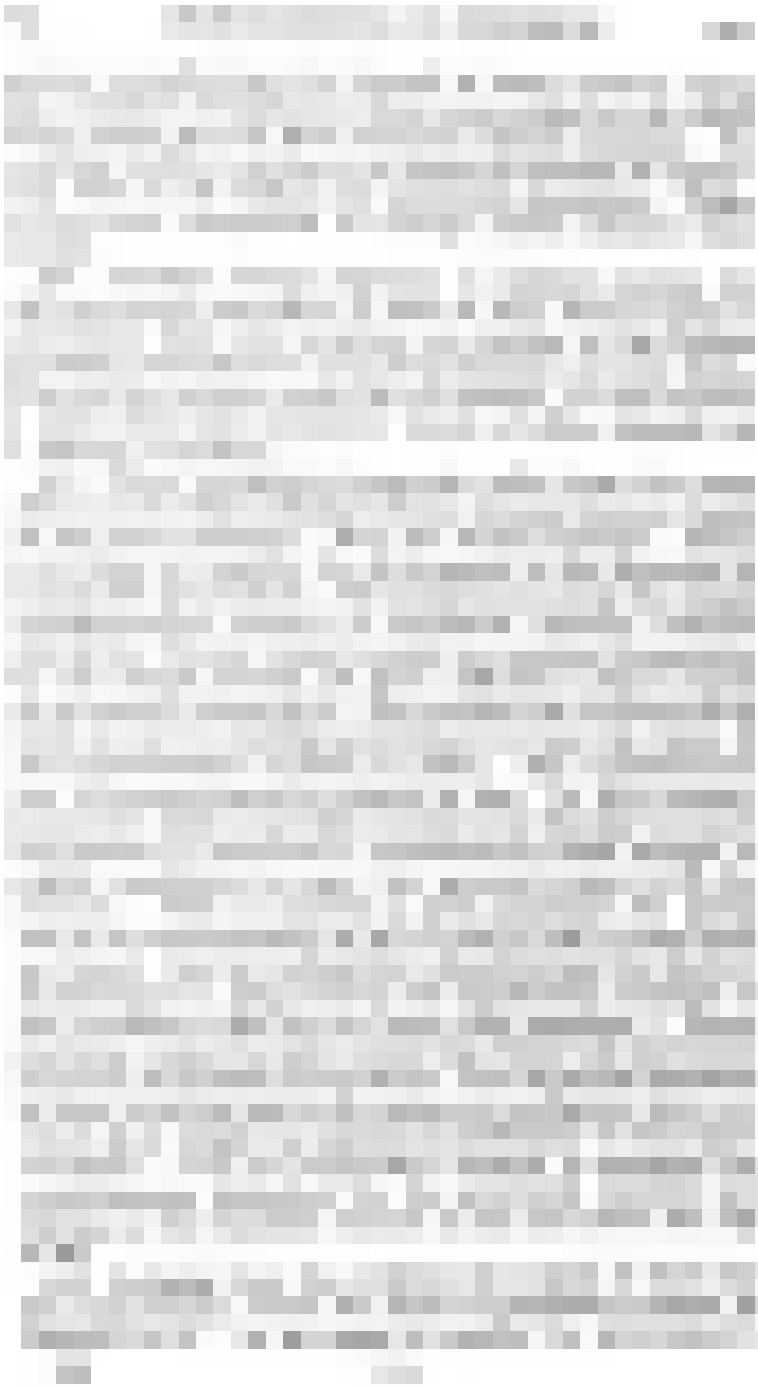

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15. Do you accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General's Executive Council? If not, what are your reasons, and what modifications would you suggest?

§ 1. In the light of experience thrown by the conduct of this war, in the making of peace, and from all that I saw in India, I am convinced that final and supreme decisions of government should never be left to professional officials. The system under which a Viceroy can be overruled by his officials is a survival of conditions in Company days, now long obsolete. I should like to see the provision changed whereby the Viceroy can be overruled by a majority of his executive council. I think that the final decisions whether to accept or reject motions carried in the assembly should rest with the Viceroy personally. As to the exact number of official advisers he should have under these conditions I have no opinion to offer.

16. Do you think that the development of Provincial autonomy on the one hand, and self-government in the Provinces on the other, involves any modification of the provisions of Section 2, 33, and 45 of the Government of India Act (Clause 23)?

§ 1. This is a technical point upon which my opinion is valueless.

17. Do you agree that the gradual realization of responsible government involves periodical examination of progress, by

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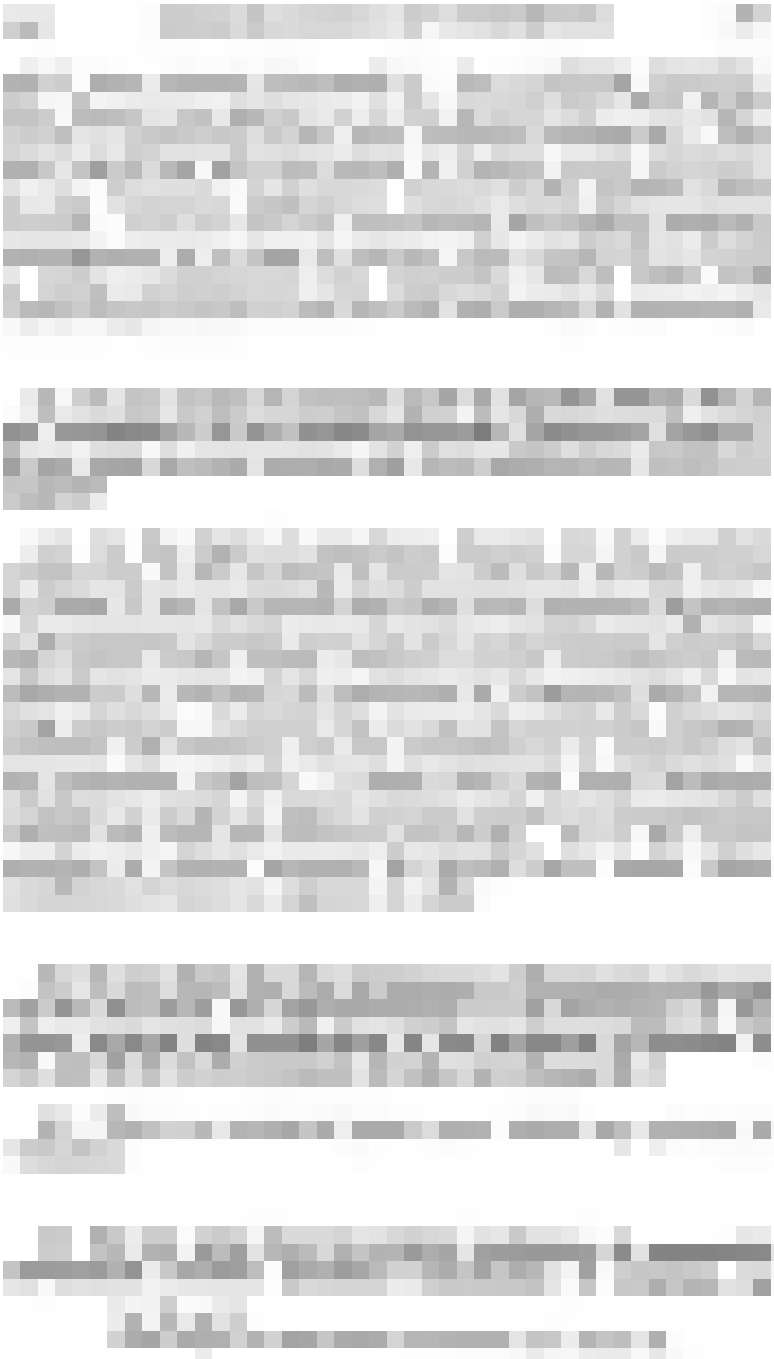

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§ 1. Yes. My reasons are given above, when explaining why I think that the revenues, as well as the functions of the executive council and ministers respectively should be assigned by a committee like the Southborough Committees appointed by the Secretary of State.

§ 2. I earnestly hope that Parliament will permit no further transfer of powers except on its own authority signified in the report of a Commission appointed ten years hence under Clause 28. The attention of India will not be concentrated on administrative work so long as the door is kept open to constitutional agitation. If the success of such agitation depends on the Government of India, the relations of Indians with the government are certain to be embittered. The provision by which electorates and their representatives are given ten years in which to try their hand at responsible government within a limited sphere, and that the results of their work are to be judged by Parliament itself before making any further extension is in accordance with the terms of the pronouncement of August 20. It is eminently calculated in my opinion to accelerate the progress of India towards responsible government.[1]

18. Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest should be provided for in the Bill?

§ 1. I think there are several matters such as those involved in instructions to governors which cannot properly be embodied in the Bill, upon which Parliament should pronounce in the form of resolutions drafted by this Committee. This is especially so where the Committee find reason to differ from the policy outlined in the Joint Report.

19. Have you any observations to offer on the Reports of Lord Southborough's Committees and of the Committee on the Home Administration of Indian Affairs?

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and shown that it is not necessary if control of Indian legislation by the Government of India is based on straightforward methods.

§ 2. The reasons of the Functions Committee for the transfer of higher education seem to me conclusive.

§ 3. I agree with the Majority Report of the Committee on the Home Administration of Indian Affairs, that the responsibility now vested in the Secretary of State in Council should be vested in the Secretary of State individually, and that he should have an advisory committee.

§ 4. I cannot understand the objections to recruiting the staff of the India Office in future from the I.C.S. It seems to me an enormous advantage to the Indian civilian to be brought home for say five years, and an equally great advantage for the office to be staffed by men who know India and will return there. I think the change would go far to assist recruitment to the I.C.S. It would also help to neutralize the undoubted effect of a life spent in India to unfit able men for any other spheres of public service when they retire at fifty. It also makes it far easier to introduce to the India Office civil servants who are natives of India.

§ 5. On fiscal matters I think it is of vital importance that Parliament should declare in terms that the Government of India is to frame the fiscal policy of India as it would if India were already a self governing Dominion, and as though it were responsible to an assembly representing all classes of consumers in India. I do not mean that it should be bound by an assembly which cannot as yet fulfil that condition.[1]

§ 6. I can see no possible reason why the cost of the India Office should be saddled on the British taxpayer, except on the principle that India is to be governed for the benefit of the British taxpayer. On the same principle I consider that the cost of that part of the Colonial Office which is charged with administering the Crown Colonies should be distributed amongst those colonies. The British Commonwealth is a world State, and the principle of locating on the British taxpayer every charge which any one can find an excuse to evade must stop some time, or the whole system will collapse through bankruptcy at the centre.

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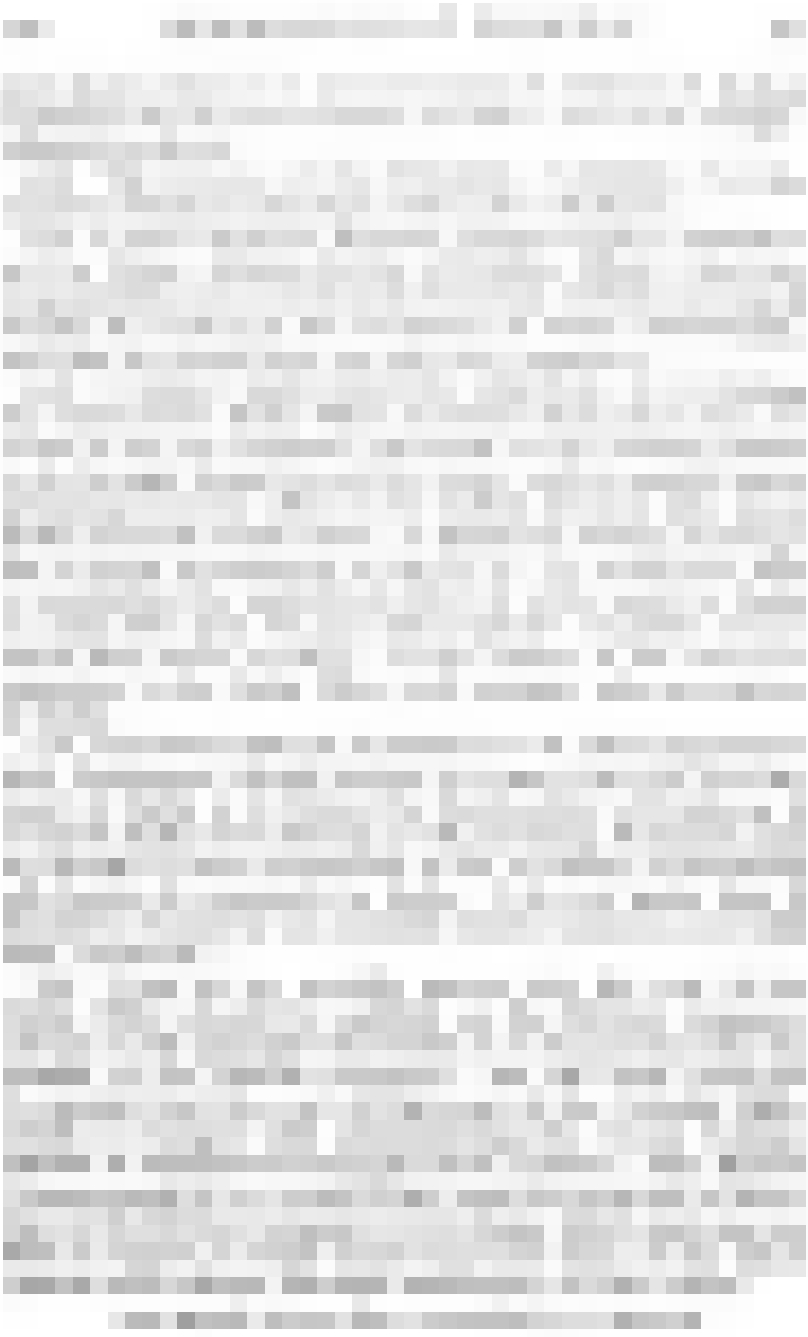

SCHEDULE OF RECOMMENDATIONS

A. SUGGESTIONS IN MR. CURTIS'S STATEMENT, EFFECT TO WHICH MIGHT BE GIVEN BY AMENDMENTS TO THE BILL

1. In the preamble, omit all words down to and including the word 'such' in l. 6 and substitute the following words: 'Whereas with a view to increasing the association of Indians in every branch of Indian Administration and the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India as an integral part of the British Empire, it is expedient that substantial steps in this direction should be taken, and whereas progress in this direction can only be achieved by successive stages;

'And whereas the time and measure of each advance can alone be determined subject to the King's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons in Parliament assembled, on whom the responsibility lies for the welfare and advancement of the Indian peoples;

'And whereas such advice and consent must be guided by the co-operation received from those upon whom new opportunities of service will thus be conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility;

'And whereas concurrently with the gradual development of self-governing, &c.'[1]

2. That the Bill be amended in such manner as to admit of the constitution of two sub-provinces in Assam.

3. That approval be signified to the principle of reserving permanently to Imperial control a tract separating the northern frontiers of British India from foreign and native States by inserting the words 'or frontier' between the words 'backward' and 'tract' in Section 12 (2), l. 12.

4. That approval be signified to the principle that salaries of Ministers should be fixed by the Legislative Council[2] by substituting the words 'Legislative Council' for the word 'Governor' in Clause 3 (1), l. 36.

5. That with a view to helping electorates to recognize the difference between reserved and transferred subjects

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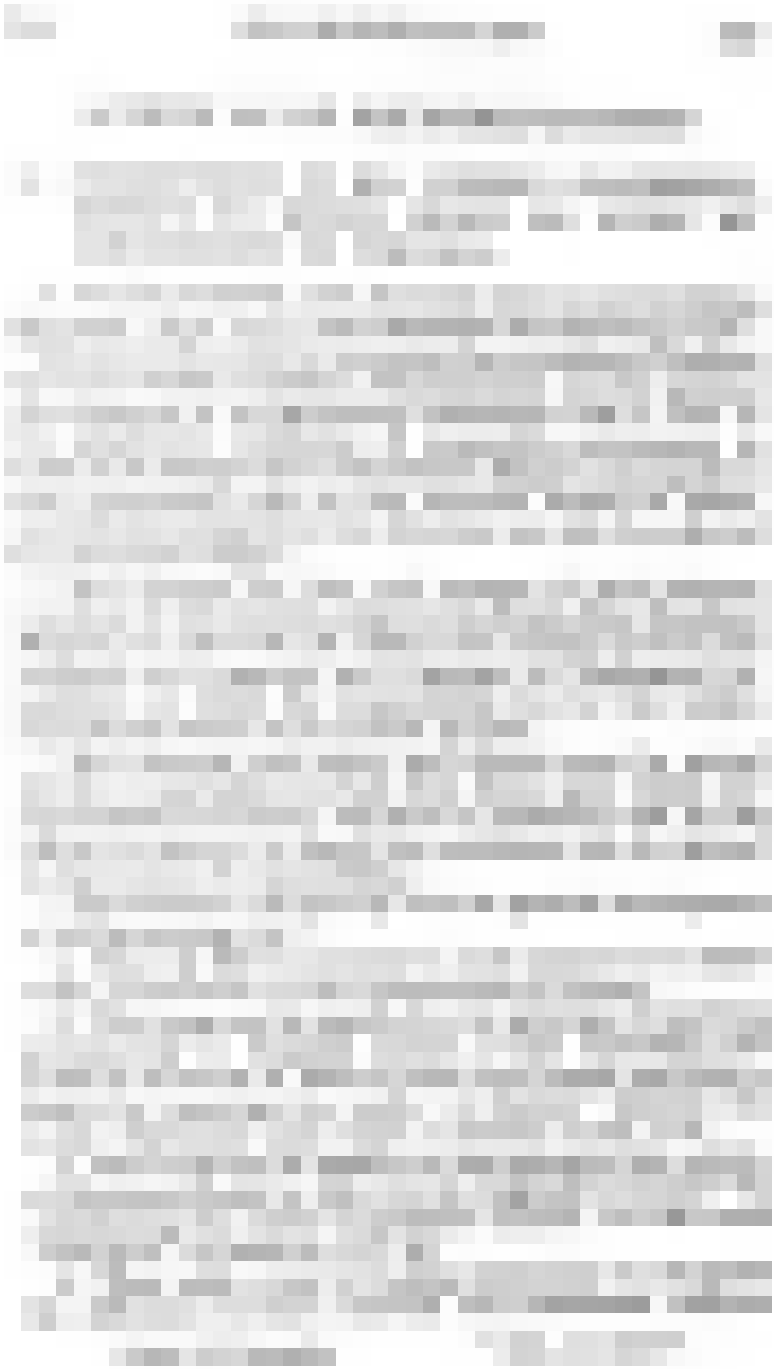

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I. (*a*) That acts done by the Executive Council may be expressed as acts done by 'the Governor in Council'.

(*b*) That acts done by the Ministers may be expressed as acts done by 'the Governor on the advice of his ministers'.

II. (*a*) That measures passed under reserved subjects begin with the words 'Be it enacted by the Governor'.

(*b*) That measures passed under transferred subjects begin with the words 'Be it enacted by the Governor by and with the advice of the Provincial Assembly'.

III. That the Legislature when dealing with the reserved subjects be styled 'the Legislative Council', and when dealing with transferred subjects 'the Provincial Assembly'.

IV. That the Provincial Assembly be empowered to elect its own Speaker and frame its own Standing Orders subject to the Governor's approval.[2]

V. That with a view to recognizing the corporate responsibility of Ministers [3] the words 'the Minister in charge' in Clause 3 (3), l. 42, be changed to 'his Ministers', and in l. 2, p. 4, the words 'the Minister' to 'Ministers'.

VI. That with a view to providing that in transferred subjects a Governor shall not depart from the advice of his Ministers, unless he is prepared to contemplate the resumption of transferred subjects to the category of reserved subjects, the words 'owing to a vacancy there is no Minister in charge of the subject' be omitted from Clause 3 (4), ll. 7 and 8.[4]

6. That the principle be recognized that as the Governor is finally responsible to the Secretary of State for all reserved subjects, his power of determining what legislation is necessary for the discharge of those functions must also be final, subject only to the Secretary of State, and that to give effect thereto the Bill be so amended as to provide that motions of any kind passed in the Legislative Council shall not take effect if the Governor announces that he cannot accept them;[5] and, consequential thereto, that officials may sit but not vote on the Legislative Council.

7. That provision be made in the Bill that after two years a Commission shall be appointed to separate the revenues and powers of taxation to be allocated to the Executive Council and Ministers for their respective functions, such

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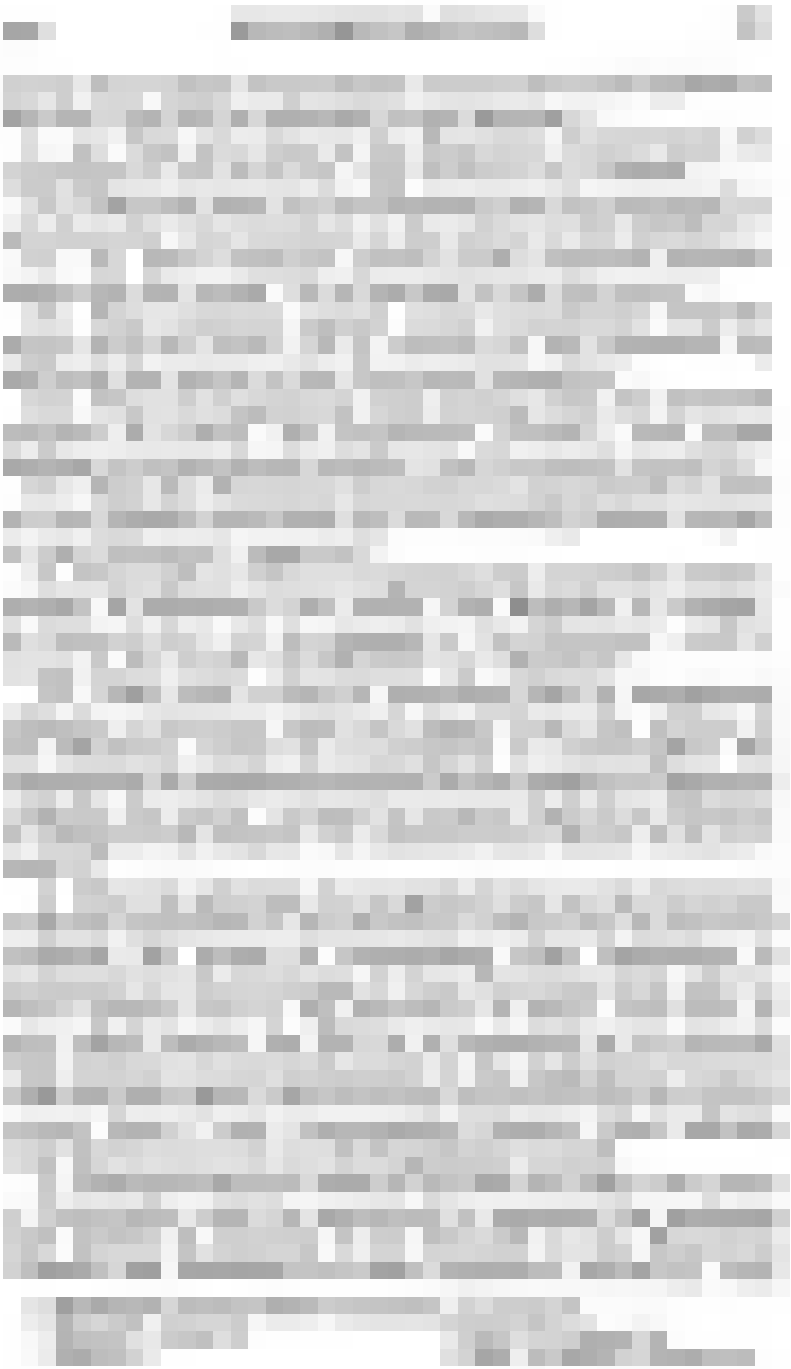

settlement to be revised periodically by the Commissions appointed under Clause 28, or alternately.

That the Governor be empowered to demand the appointment of such a Commission after two years.[1]

8. (*a*) That in all India legislation the Governor-General be given the same powers as those recommended in (6) for the Governors.[2]

(*b*) That the Council of State be not created.[3]

(*c*) That a number of elected members at least equal to the Council of State and the official members in the present proposals be added to the Legislative Assembly.

(*d*) That the Secretary of State be empowered to make regulations to give effect to these changes, and for the direct elections of all elected members.[4]

9. That section 41 of the Government of India Act, 1915-16, be amended in such manner as to provide that the Governor-General is not bound by the opinion or decision of a majority of his Council in any matter whatsoever; subject, however, to the existing provision of subsection (3) that any two members may require that their dissent from the Governor-General's decision may be reported to the Secretary of State, together with copies of any minutes which the members of Council have recorded on the subject.

10. That no change be made in the allocation of the charges for the Secretary of State for India and his office, but that the Indian Budget be discussed at an earlier stage of the session than is now the practice.

B. SUGGESTIONS IN MR. CURTIS'S STATEMENT, EFFECT TO WHICH MIGHT BE GIVEN BY RESOLUTIONS OF PARLIAMENT

1. That any clear request by a majority of members of a Provincial Legislature representing a distinctive racial and linguistic territorial unit for its constitution under Clause 12 of the Bill as a sub-province may be taken as a prima facie case, on the strength of which the Secretary of State may appoint a Commission of Inquiry.[5]

2. That whenever a Governor has exercised his power to resume direct control of transferred subjects a Commission

[1] Ibid., § 7, clause 1.
[2] Ibid., § 7, clause 26.
[3] Ibid., § 7, clause 18.
[4] Ibid., § 7, clause 19.
[5] Ibid., § 7, clause 15.

settlement to be revised periodically by the Commissions appointed under Clause 28, or alternately.

That the Governor be empowered to demand the appointment of such a Commission after two years.[1]

8. (*a*) That in all India legislation the Governor-General be given the same powers as those recommended in (6) for the Governors.[2]

(*b*) That the Council of State be not created.[3]

(*c*) That a number of elected members at least equal to the Council of State and the official members in the present proposals be added to the Legislative Assembly.

(*d*) That the Secretary of State be empowered to make regulations to give effect to these changes, and for the direct elections of all elected members.[4]

9. That section 41 of the Government of India Act, 1915-16, be amended in such manner as to provide that the Governor-General is not bound by the opinion or decision of a majority of his Council in any matter whatsoever; subject, however, to the existing provision of subsection (3) that any two members may require that their dissent from the Governor-General's decision may be reported to the Secretary of State, together with copies of any minutes which the members of Council have recorded on the subject.

10. That no change be made in the allocation of the charges for the Secretary of State for India and his office, but that the Indian Budget be discussed at an earlier stage of the session than is now the practice.

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of Inquiry be appointed by the Secretary of State to inquire and report whether such resumption was necessary, and if so, for how long it should be continued.

3. That members of the Indian Civil Service should not be ordinarily appointed as Governors of scheduled provinces other than Assam, unless for a period of three years they have held high office in or served in the Legislature of some self-governing part of the British Commonwealth.

4. That the Governorships of all these provinces should be approximately assimilated in respect of emoluments, status, and dignities.

5. That the staff of the India Office be in future recruited from the Indian Services.

6. That the Government of India be instructed to regulate the fiscal policy of India on lines such as they conceive would be followed by a Dominion Government responsible to all classes of producers and consumers in India.[1]

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APPENDIX A

REPORT

FROM THE JOINT SELECT COMMITTEE OF THE HOUSE OF LORDS AND THE HOUSE OF COMMONS APPOINTED TO CONSIDER THE GOVERNMENT OF INDIA BILL

(Ordered by the House of Commons to be printed 17th November, 1919)

ORDERED TO REPORT

1. That the Committee have met and considered the said Bill and taken the evidence of a large number of witnesses, many of whom had come all the way from India for the purpose. A mass of telegrams and other communications has also been received. The list of witnesses and the telegrams have been printed as an appendix to the evidence. Written representations have not as a rule been printed. The Committee appreciate the advantage they have derived from being placed in full possession of the views of many persons who have given much thought to the political future of the country.

2. The Committee were not charged, as some have seemed to think, with the task of reporting on the state of India, or on the conduct of the administration in India, or even at large on the best form of government for India, but only with the duty of dealing with this Bill, which had been read a second time in the House of Commons, according to the well-known forms of Parliamentary procedure and with the rules and conventions arising out of it.

3. In the declaration made by His Majesty's Government on the 20th August, 1917, there is enunciated the problem for which the Bill endeavours to provide a solution. It is to design the first stage in a measured progress towards responsible government. Any such stage, if it is to be a real advance, must, as the Committee conceive it, involve the creation of an electorate, and the bestowal of some share in the work and responsibilities of government on those whom the electorate chooses to represent its interests. In the present circumstances of India, the electorate must at the outset be small and the administrative experience of its representatives must be limited. Before, therefore, the policy of His Majesty's Government can be

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fulfilled the electorate must grow, and practical experience in the conduct of public affairs must be enlarged. During this period the guardianship of the peace of India cannot be withdrawn from the care of the official agency which Parliament at present charges with the duties of the administration, and the Committee regard it to be an essential feature of the policy of His Majesty's Government that, except in so far as he is released from responsibility by the changes made under this Bill, the Governor General in Council should remain in undisturbed responsibility to Parliament and fully equipped with the necessary powers to fulfil that responsibility. But from the beginning the people must be given an opportunity, and all political wisdom points to its being a generous opportunity, of learning the actual business of government and of showing, by their conduct of it, to some future Parliament that the time has come for further extensions of power.

4. In the opinion of the Committee the plan proposed by the Bill is conceived wholly in this spirit, and interprets the pronouncement of the 20th August, 1917, with scrupulous accuracy. It partitions the domain of provincial government into two fields, one of which is made over to ministers chosen from the elected members of the provincial legislature while the other remains under the administration of a Governor in Council. This scheme has evoked apprehensions which are not unnatural in view of its novelty. But the Committee, after the most careful consideration of all suggested alternatives, are of opinion that it is the best way of giving effect to the spirit of the declared policy of His Majesty's Government. Its critics forget that the announcement spoke of a substantial step in the direction of the gradual development of self governing institutions with a view to the progressive realisation of responsible government and not of the partial introduction of responsible government; and it is this distinction which justifies the method by which the Bill imposes responsibility, both on Ministers to the legislative council and on the members of the legislative council to their constituents, for the results of that part of the administration which is transferred to their charge.

5. Having weighed the evidence and information before them, the Committee have made a number of changes in the Bill. Those of a more detailed or miscellaneous character are briefly discussed below under the clauses to which they relate. Those which are directed to the avoidance of the difficulties and dangers which have been pointed out, proceed on a simple and, in the Committee's opinion, an indefeasible theory. That theory the Committee think it desirable to state at once. Ministers who enjoy the confidence of a majority in their legislative council will be given the fullest opportunity of managing that field of government which is entrusted to their care. In their work they will be assisted and guided by the Governor, who will accept their advice and promote their policy whenever possible. If he finds himself compelled to act against

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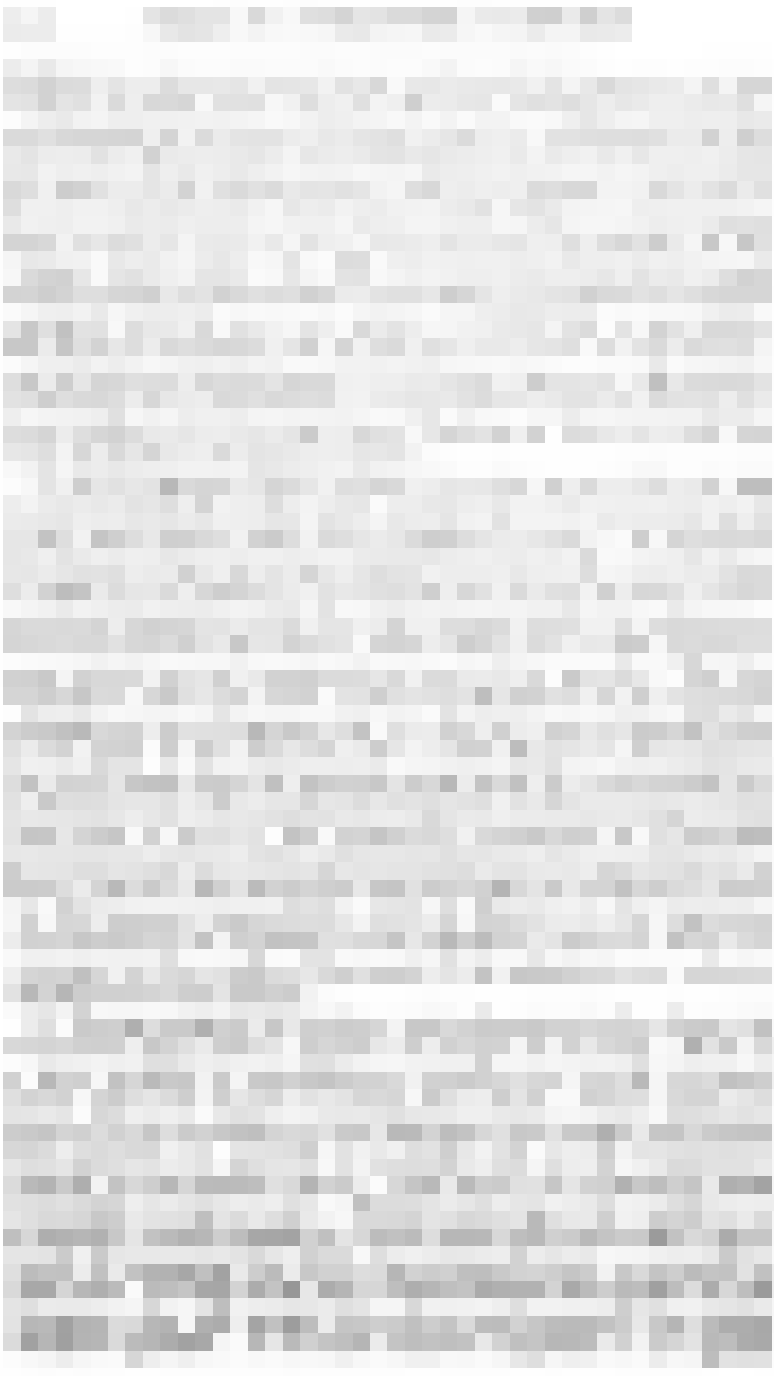
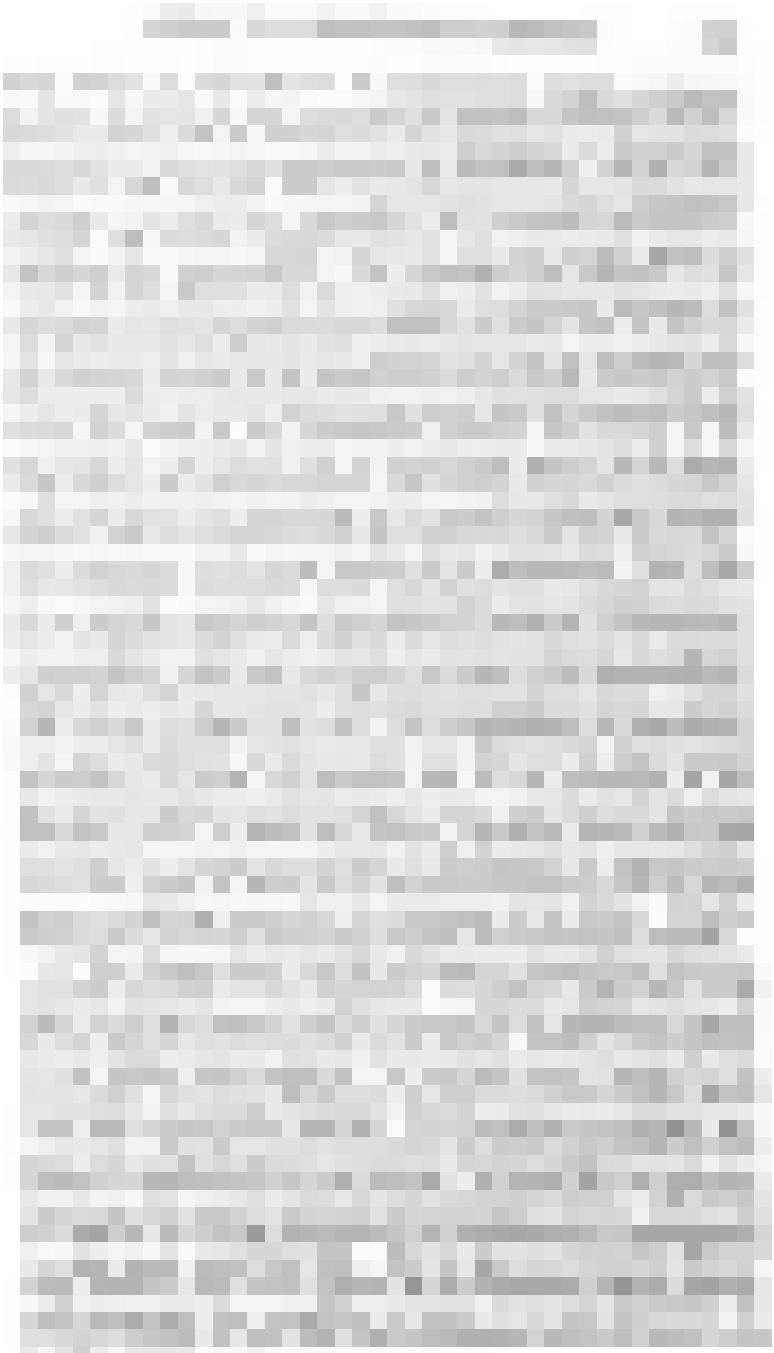


their advice, it will only be in circumstances roughly analogous to those in which he has to override his executive council—circumstances which will be indicated in the Instrument of Instructions furnished to him on his appointment by His Majesty. On the other hand, in and for that field of government in which Parliament continues to hold him responsible, the provincial Governor-in-Council will remain equipped with the sure and certain power of fulfilling that responsibility. The Committee will indicate in the course of this Report how they visualise the relations between the two parts of the provincial government, but they wish to place in the forefront of the Report their opinion that they see no reason why the relations should not be harmonious and mutually advantageous. They regard it as of the highest importance that the Governor should foster the habit of free consultation between both halves of his government, and indeed that he should insist upon it in all important matters of common interest. He will thus ensure that ministers will contribute their knowledge of the people's wishes and susceptibilities, and the members of his Executive Council their administrative experience to the joint wisdom of the government. But while the Committee anticipate much advantage from amicable and, as far as possible, spontaneous association for purposes of deliberation, they would not allow it to confuse the duties or obscure the separate responsibility which will rest on the two parts of the administration. Each side of the government will advise and assist the other; neither will control or impede the other. The responsibility for administrative and legislative action in their own field will be fixed beyond possibility of doubt on ministers and on the majorities of the provincial legislatures which support them; and they will be given adequate power to fulfil their charge. Similarly within that field for which he remains accountable to Parliament, the responsibility for action must be fixed on the Governor-in-Council, and he must possess unfailing means for the discharge of his duties. Finally, behind the provincial authorities stands the Government of India.

6. The change which this Bill will make in the political structure and life of India is very important. It marks a great step in the path of self government, and it is a proof of the confidence reposed by His Majesty's Government in the loyalty, wisdom, and capacity of our Indian fellow-subjects. At the same time it points to the desirability of keeping Parliament in closer touch with Indian affairs than has recently been possible. The Committee accordingly propose that a Standing Joint Committee should be appointed by both Houses of Parliament for that purpose. It should have no statutory functions, but a purely advisory and consultative status; and among its tasks is one of high importance, the consideration of amendments to rules made under this Bill. For the plan on which the Bill has been drafted, and in the opinion of the Committee rightly drafted, will necessitate the completion of some of its main provisions by a large number of rules and other documents which will have to be



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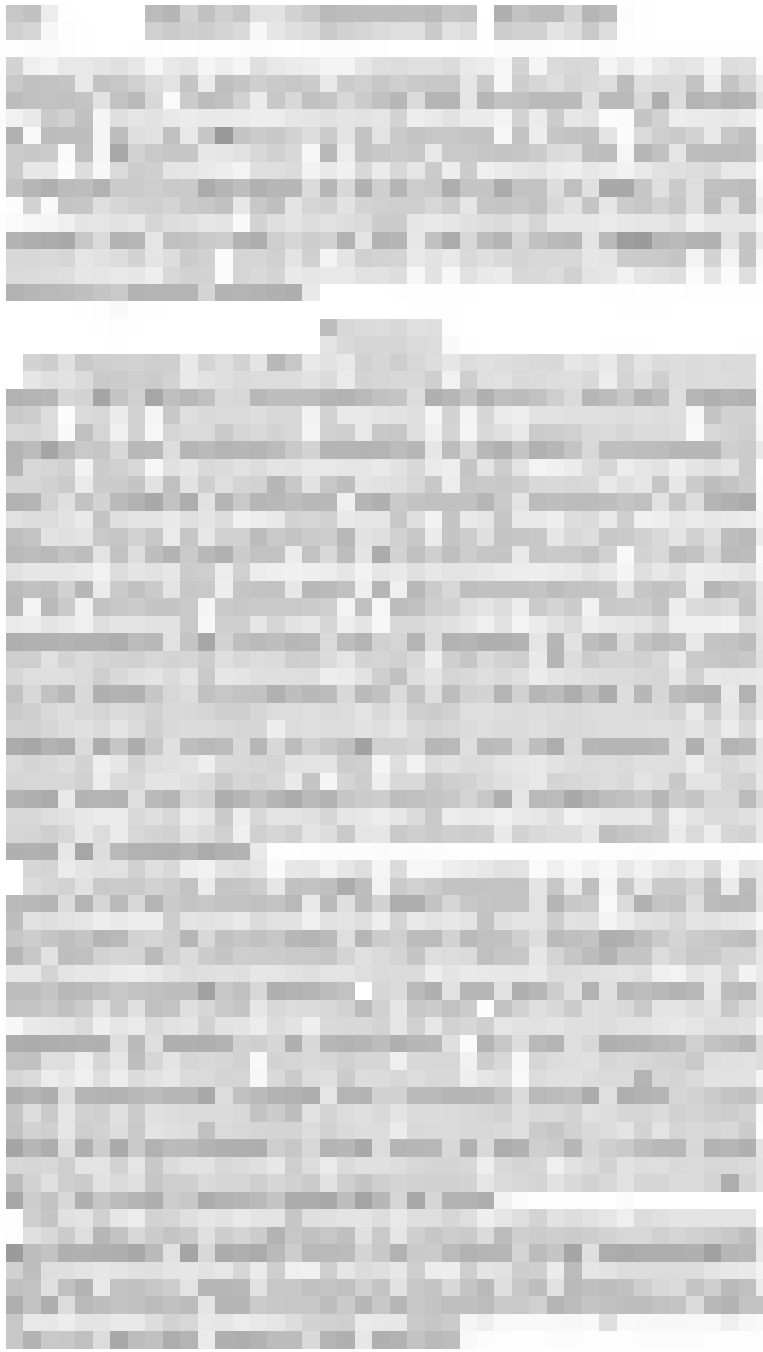
7. The Committee will now proceed to indicate the nature of the changes they have made in the Bill, and also their suggestions for action to be taken under it, either in the framing of rules or by executive process hereafter.

Preamble.

The Preamble of the Bill, as drafted, was based on the announcement of His Majesty's Government in Parliament of the 20th August, 1917, and it incorporated that part of the announcement which pointed to the progressive realisation of responsible government in British India as an integral part of the Empire, and to the expediency of gradually developing self-governing institutions in India, and it referred to the granting to the Provinces of India of a large measure of independence of the Government of India. It did not, however, deal with those parts of the announcement which spoke of the increasing association of Indians in every branch of the administration, and declared that the progress of this policy could only be achieved by successive stages, and that Parliament, advised by his Majesty's Government and by the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian people, must be the judge of the time and measure of each advance, and be guided by the co-operation received from those upon whom new opportunities of service are conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility.

The Committee have enlarged the preamble so as to include all parts of the announcement of the 20th August, 1917. Their reason for doing so is that an attempt has been made to distinguish between the parts of this announcement, and to attach a different value to each part according to opinion. It has been said, for instance, that whereas the first part is a binding pledge, the later part is a mere expression of opinion of no importance. But the Committee think that is of the utmost importance, from the very inauguration of these constitutional changes, that Parliament should make it quite plain that the responsibility for the successive stages of the development of self-government in India rests on itself and on itself alone, and that it cannot share this responsibility with, much less delegate it to, the newly-elected legislatures of India.

They also desire to emphasize the wisdom and justice of an increasing association of Indians with every branch of the administration, but they wish to make it perfectly clear that His Majesty's Government must remain free to appoint Europeans to those posts for which they are specially required and qualified.



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PART I.

Clause 1. The Committee wish to take this opportunity of acknowledging the debt they owe to the work of the two Committees on Franchise and Functions presided over by Lord Southborough. If they are not able to accept all the conclusions of these Committees, and if they recommend some additional provisions to those included in those reports, it does not mean that they are not very sensible of the value of the work done, without which, indeed, this constitutional change could not have been effected.

The lists of central, provincial, and transferred subjects included in the Functions Committee's report have been somewhat altered after consultation with the India Office (*see* Appendix F *to the Minutes of Evidence*); and as so amended they are accepted by this Committee, subject to certain general observations at the end of this Report. It must not, however, be concluded that these partitions of the functions of government are absolutely clear-cut and mutually exclusive. They must in all cases be read with the reservations in the text of the Functions Committee's report, and with due regard to the necessity for special procedure in cases where their orbits overlap.

The Committee have given much attention to the difficult question of the principle on which the provincial revenues and balances should be distributed between the two sides of the provincial governments. They are confident that the problem can readily be solved by the simple process of common sense and reasonable give and take, but they are aware that this question might, in certain circumstances, become the cause of much friction in the provincial government, and they are of opinion that the rules governing the allocation of these revenues and balances should be framed so as to make the existence of such friction impossible. They advise that, if the Governor, in the course of preparing either his first or any subsequent budget, finds that there is likely to be a serious or protracted difference of opinion between the executive council and his ministers on this subject, he should be empowered at once to make an allocation of revenue and balances between the reserved and transferred subjects, which should continue for at least the whole life of the existing legislative council. The Committee do not endorse the suggestion that certain sources of revenue should be allocated to reserved, and certain sources to transferred subjects, but they recommend that the Governor should allocate a definite proportion of the revenue, say, by way of illustration, two-thirds to reserved and one-third to transferred subjects, and similarly a proportion, though not necessarily the same fraction, of the balances. If the Governor desires assistance in making the allocation, he should be allowed at his discretion to refer the question to be decided to such authority as the Governor-General shall appoint. Further, the Committee are of opinion that it should be laid down

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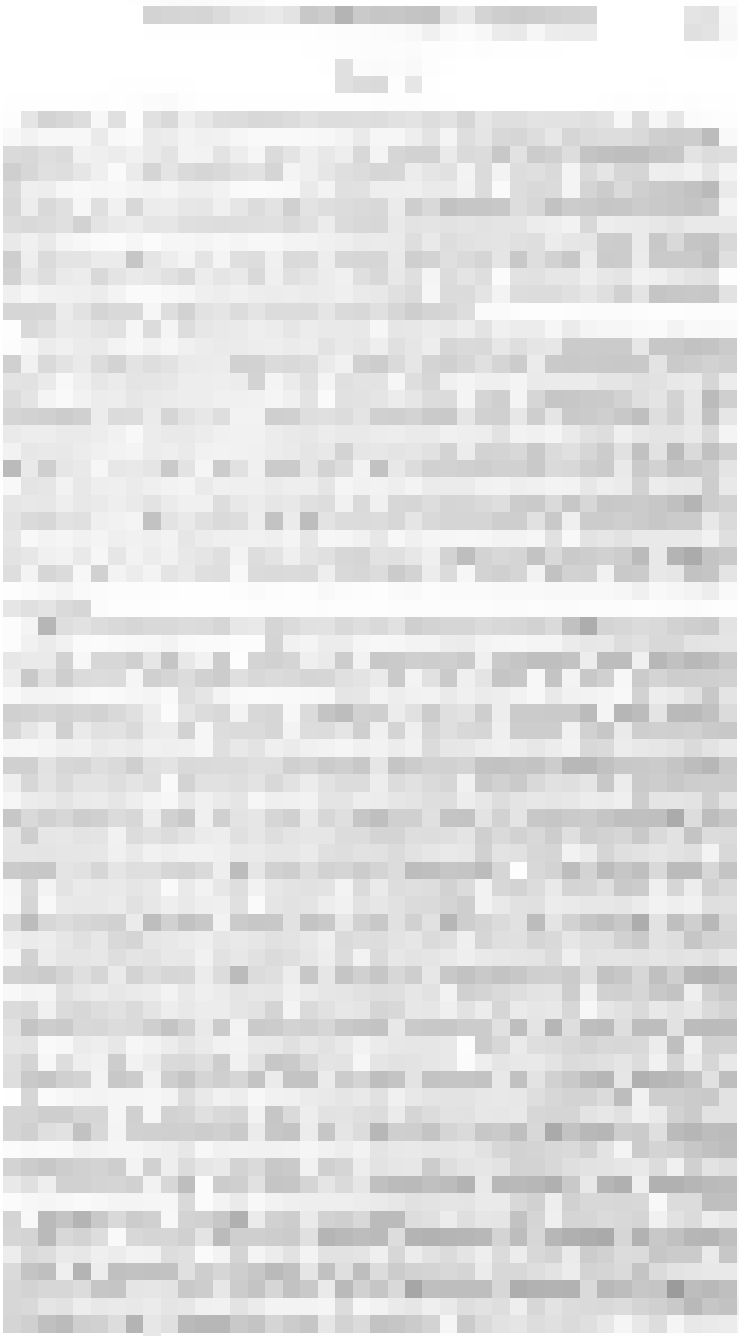

from the first that, until an agreement which both sides of the Government will equally support has been reached, or until an allocation has been made by the Governor, the total provisions of the different expenditure heads in the budget of the province for the preceding financial year shall hold good.

The Committee desire that the relation of the two sides of the Government in this matter, as in all others, should be of such mutual sympathy that each will be able to assist and influence for the common good the work of the other, but not to exercise control over it. The budget should not be capable of being used as a means for enabling ministers or a majority of the legislative council to direct the policy of reserved subjects ; but on the other hand the executive council should be helpful to ministers in their desire to develop the departments entrusted to their care. On the Governor personally will devolve the task of holding the balance between the legitimate needs of both sets of his advisers.

Clause 2.—This clause has been inserted to regularise the raising of loans by local governments on the special security of their own provincial revenues.

Clause 3.—The question has been raised as to the communications between the Governors of provinces and the Secretary of State. The question as to whether such communications shall in future take place, and as to the procedure to be adopted in them, may well be left to the Secretary of State. In the opinion of the Committee there is no cause at present for disturbing the existing position, except to the extent to which the Secretary of State relaxes his powers of direction and control over local governments. To that extent the Government of India will also withdraw from intervention ; but India is not yet ripe for a true federal system, and the central government cannot be relegated to functions of mere inspection and advice. The Committee trust that there will be an extensive delegation, statutory and otherwise, to provincial governments of some powers and duties now in the hands of the Government of India ; and they trust also that the control of that Government over provincial matters will be exercised with a view to preparing the provinces for the gradual transfer of power to the provincial government and legislature.

Clause 4.—The Committee are of opinion that the ministers selected by the Governor to advise him on the transferred subjects should be elected members of the legislative council, enjoying its confidence and capable of leading it. A minister will have the option of resigning if his advice is not accepted by the Governor ; and the Governor will have the ordinary constitutional right of dismissing a minister whose policy he believes to be either seriously at fault or out of accord with the views of the legislative council. In the last resort the Governor can always dissolve his legislative council and choose new ministers after a fresh election ; but if this course is adopted the Committee hope that the Governor will find himself able to

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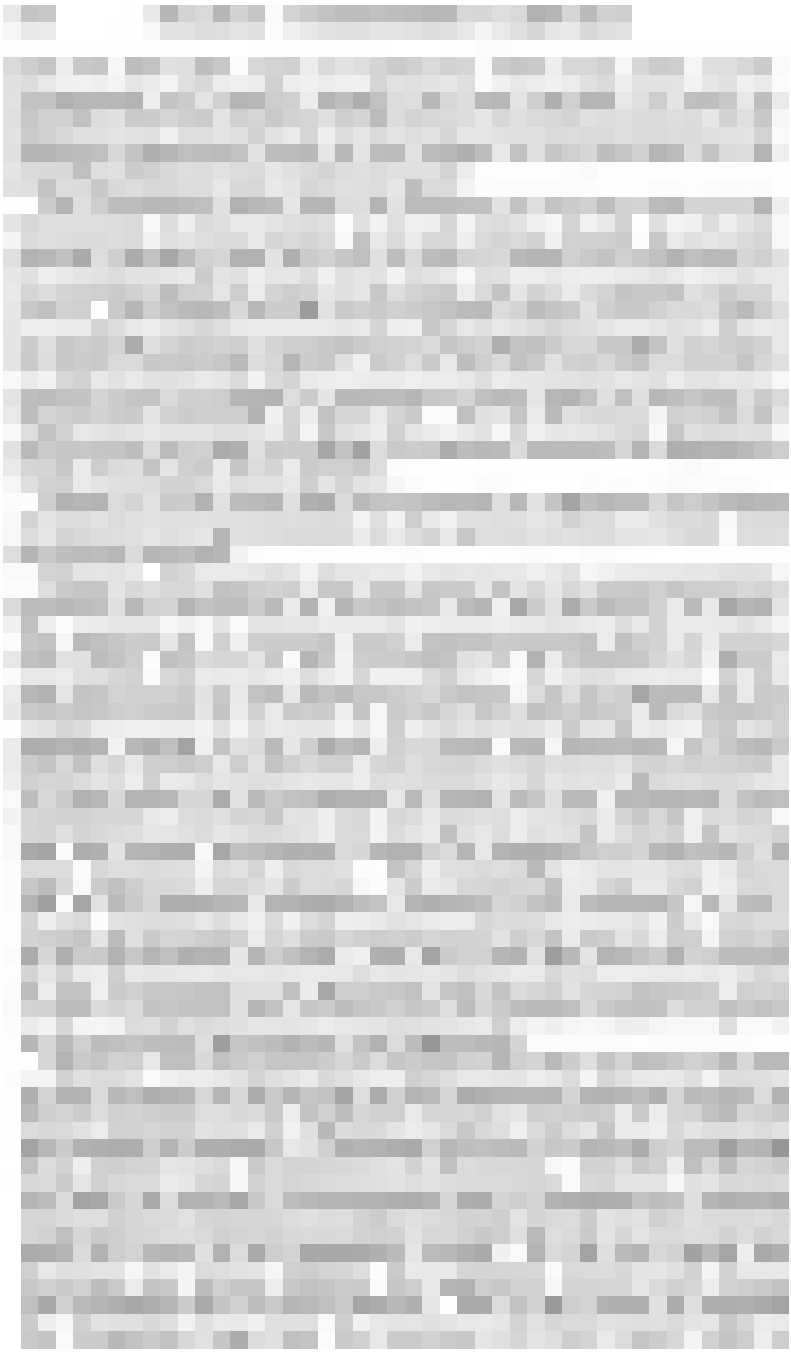
Clause 4.—The Committee are of opinion that the ministers selected by the Governor to advise him on the transferred subjects should be elected members of the legislative council, enjoying its confidence and capable of leading it. A minister will have the option of resigning if his advice is not accepted by the Governor ; and the Governor will have the ordinary constitutional right of dismissing a minister whose policy he believes to be either seriously at fault or out of accord with the views of the legislative council. In the last resort the Governor can always dissolve his legislative council and choose new ministers after a fresh election ; but if this course is adopted the Committee hope that the Governor will find himself able to

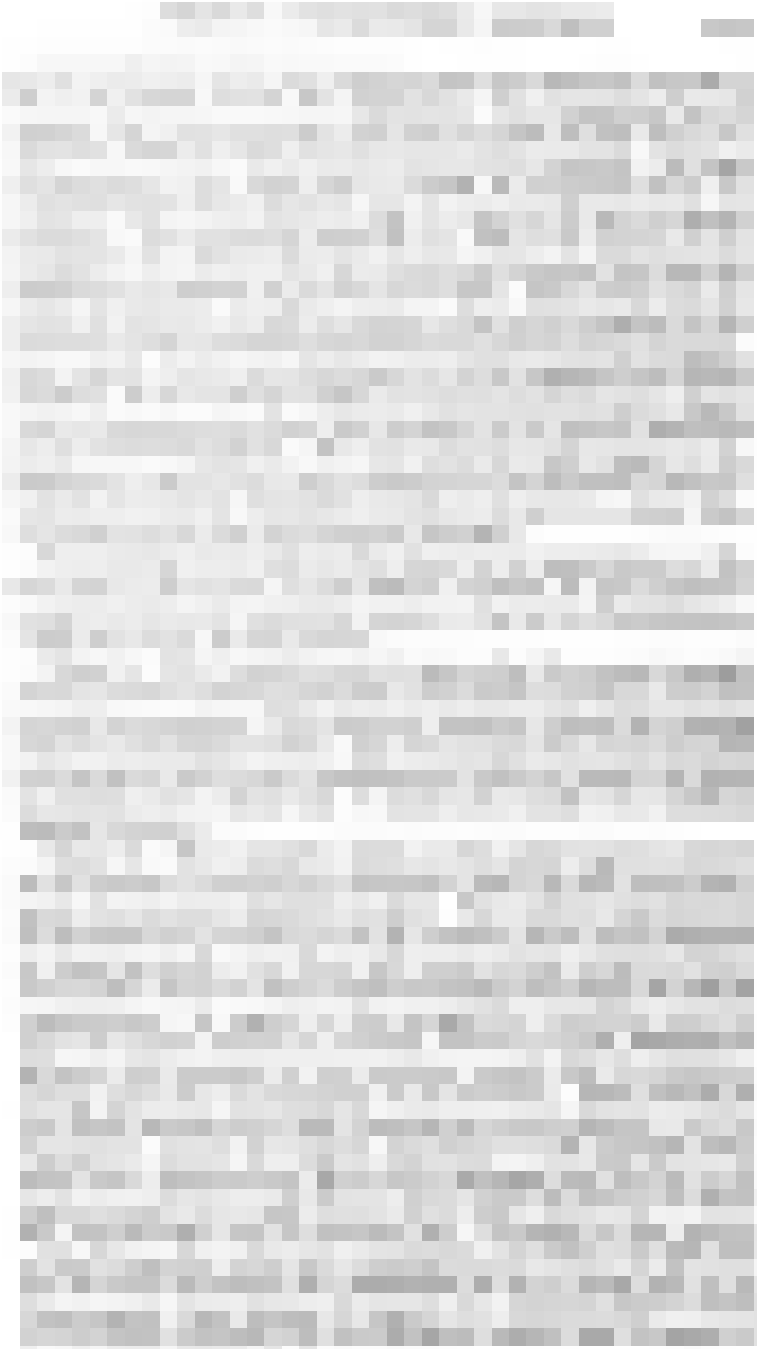


accept such views as his new ministers may press upon him regarding the issue which forced the dissolution. The Committee are of opinion that in no province will there be need for less than two ministers, while in some provinces more will be required. In these circumstances they think that it should be recognised from the commencement that ministers may be expected to act in concert together. They probably would do so; and in the opinion of the Committee it is better that they should, and therefore that the fact should be recognised on the face of the Bill. They advise that the status of ministers should be similar to that of the members of the executive council, but that their salaries should be fixed by the legislative council. Later on in this Report it will be suggested that Indian members of the Council of India in London should be paid a higher scale of remuneration than those members of the Council domiciled in the United Kingdom. The same principle might suggest to the legislative council that it was reasonable for the ministers of the provincial government domiciled in India to be paid on a lower scale of remuneration than the European members.

Provision has been made in this clause for the appointment, at the Governor's discretion, of non-official members of the legislative council to fill a role somewhat similar to that of the Parliamentary Under Secretary in this country.

Clause 5. The Committee are of opinion that the normal strength of an executive council, especially in the smaller provinces, need not exceed two members. They have not, however, reduced the existing statutory maximum of four; but if in any case the council includes two members with service qualifications, neither of whom is by birth an Indian, they think that it should also include two unofficial Indian members.

Clause 6. The Committee desire at this point to give a picture of the manner in which they think that, under this Bill, the government of a province should be worked. There will be many matters of administrative business, as in all countries, which can be disposed of departmentally; but there will remain a large category of business, of the character which would naturally be the subject of Cabinet consultation. In regard to this category the Committee conceive that the habit should be carefully fostered of joint deliberation between the members of the executive council and the ministers, sitting under the chairmanship of the Governor. There cannot be too much mutual advice and consultation on such subjects; but the Committee attach the highest importance to the principle that, when once opinions have been freely exchanged and the last word has been said, there ought then to be no doubt whatever as to where the responsibility for the decision lies. Therefore, in the opinion of the Committee, after such consultation, and when it is clear that the decision lies within the jurisdiction of one or other half of the Government, that decision in respect of a reserved subject should be recorded separately by the executive council, and in respect of



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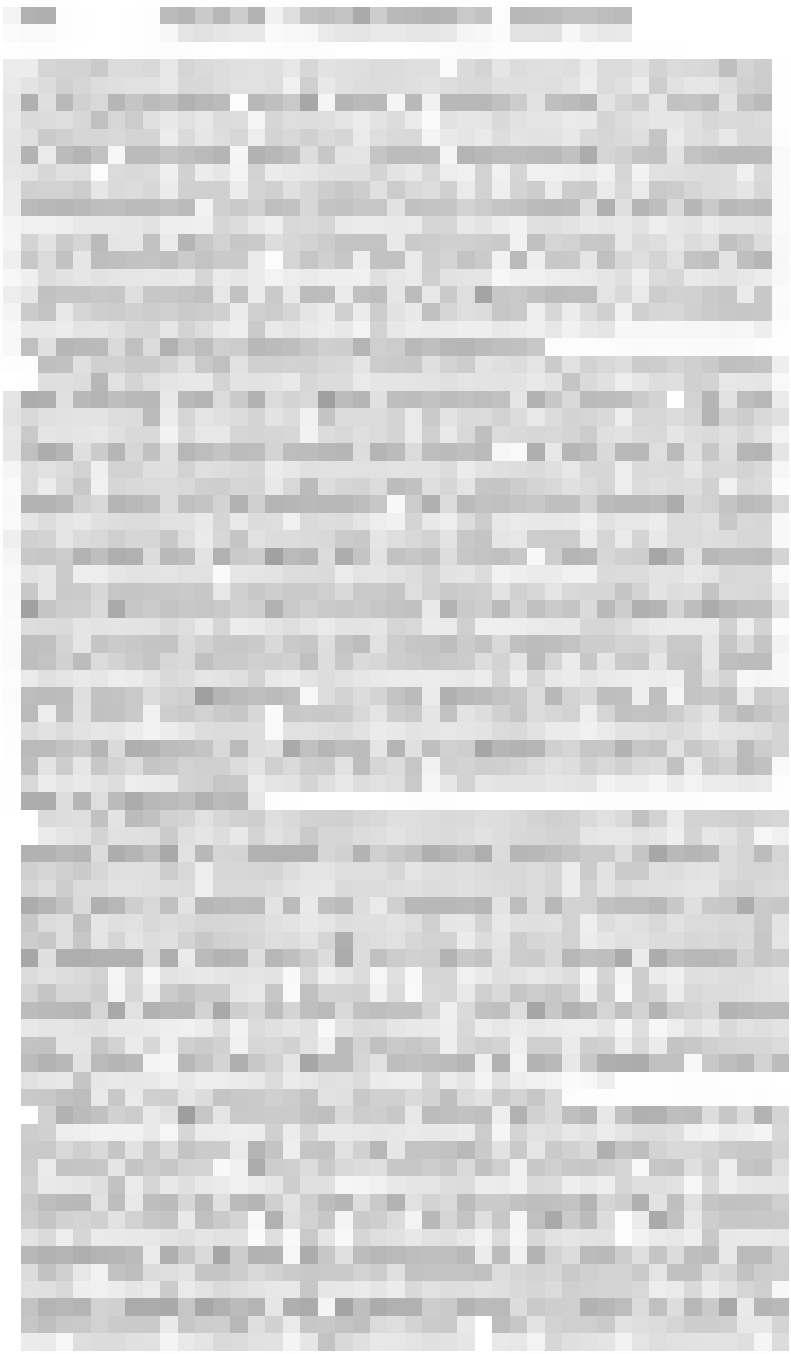
a transferred subject by the ministers, and all acts and proceedings of the government should state in definite terms on whom the responsibility for the decision rests. It will not always, however, be clear, otherwise than in a purely departmental and technical fashion, with whom the jurisdiction lies in the case of questions of common interest. In such cases it will be inevitable for the Governor to occupy the position of informal arbitrator between the two parts of his administration; and it will equally be his duty to see that a decision arrived at on one side of his government is followed by such consequential action on the other side as may be necessary to make the policy effective and homogeneous.

The position of the Governor will thus be one of great responsibility and difficulty, and also of great opportunity and honour. He may have to hold the balance between divergent policies and different ideals, and to prevent discord and friction. It will also be for him to help with sympathy and courage the popular side of his government in their new responsibilities. He should never hesitate to point out to ministers what he thinks is the right course or to warn them if he thinks they are taking the wrong course. But if, after hearing all the arguments, ministers should decide not to adopt his advice, then, in the opinion of the Committee, the Governor should ordinarily allow ministers to have their way, fixing the responsibility upon them, even if it may subsequently be necessary for him to veto any particular piece of legislation. It is not possible but that in India, as in all other countries, mistakes will be made by ministers, acting with the approval of a majority of the legislative council, but there is no way of learning except through experience and by the realisation of responsibility.

In the debates of the legislative council members of the executive council should act together and ministers should act together, but members of the executive council and ministers should not oppose each other by speech or vote; members of the executive council should not be required to support either by speech or vote proposals of ministers of which they do not approve, nor should ministers be required to support by speech or vote proposals of the executive council of which they do not approve; they should be free to speak and vote for each other's proposals when they are in agreement with them. All other official members of the legislative council should be free to speak and vote as they choose.

Clause 7.—The Committee have altered the first schedule to the Bill, so as to show only the total strength of the legislative council in each province. They have retained the provision, now in subclause (2), that at least 70 per cent. of the members shall be elected, and not more than 20 per cent. shall be officials. This general stipulation will govern the distribution of the seats in each province; but in certain respects the detailed arrangements will require further consideration, and proposals should be called for from the Government of India in regard to them. The points in question, as



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well as some disputable matters on which the Committee wish to endorse the proposals of the Franchise Committee's report, are dealt with in the following recommendations:

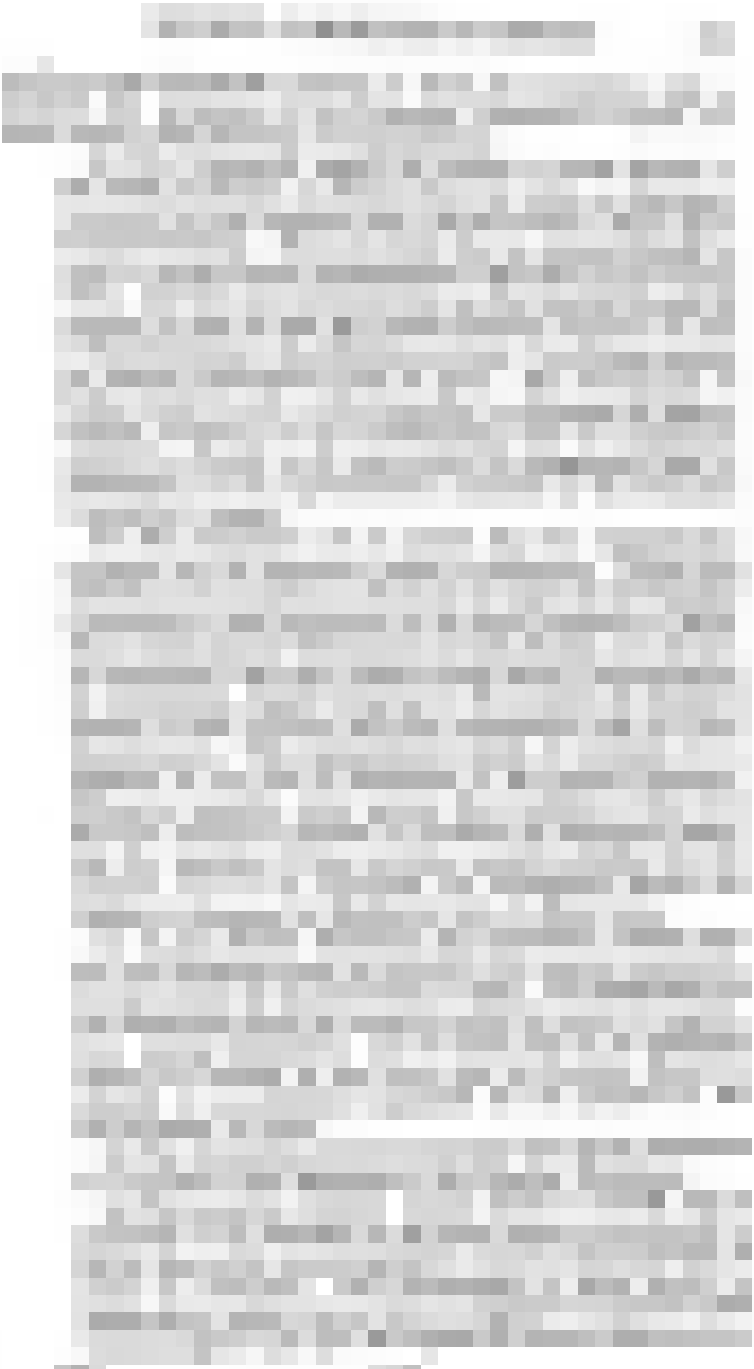
(*a*) The Committee regard the number of seats allotted to the rural population, as distinct from the urban, as disproportionately low and consider that it should receive a larger share of representation. They also think that an attempt should be made to secure better representation of the urban wage-earning class; and they are convinced that an effort should be made to remedy in part at least the present disparity between the size of the electorates in the different provinces. In all those matters no definite instructions need be given. The Government of India should be left a wide discretion in adjusting the figures, subject, however, to the understanding that the adjustment should be effected in all cases rather by enlargement than by diminution of the representation proposed in the Franchise Committee's report.

(*b*) The Committee are of opinion that the representation proposed for the depressed classes is inadequate. Within this definition are comprised, as shown in the report of the Franchise Committee, a large proportion of the whole population of India. They think that the Government of India should, as it advises, be instructed to give such classes a larger share of representation by nomination, regard being had to the numbers of depressed classes in each province, and after consultation with the Local Governments. This representation should, if necessary, be in addition to, but not in diminution of, the general electorate. Whenever possible, other persons than members of the Civil Services should be selected to represent the depressed classes, but if a member of those services, specially qualified for this purpose, has to be appointed, his nomination should not operate to increase the maximum ratio of official seats.

(*c*) In the Madras Presidency the Committee consider that the non-Brahmins must be provided with separate representation by means of the reservation of seats. The Brahmins and non-Brahmins should be invited to settle the matter by negotiation among themselves; and it would only be, if agreement cannot be reached in that way, that the decision should be referred to an arbitrator appointed for the purpose by the Government of India.

(*d*) The Committee would recommend that similar treatment be accorded to the Mahrattas in the Bombay Presidency.

(*e*) The question whether women should or should not be admitted to the franchise on the same terms as men should be left to the newly elected legislative council of each province to settle by resolution. The Government of India should be instructed to make rules so that, if a legislative council so voted, women might be put upon the register of voters in that province.



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The Committee have not felt able to settle this question themselves, as urged by the majority of witnesses who appeared before them. It seems to them to go deep into the social system and susceptibilities of India, and, therefore, to be a question which can only, with any prudence, be settled in accordance with the wishes of Indians themselves as constitutionally expressed.

(*f*) The Committee are of opinion that the franchise as settled by the rules to be made under this Act should not be altered for the first ten years, and that it should at present be outside the power of the Legislative Councils to make any alteration in the franchise. The recommendation, therefore, in respect of woman suffrage, is to be regarded as altogether exceptional, and as not forming any precedent in respect of proposals for other alterations.

(*g*) The special representation of landholders in the provinces should be reconsidered by the Government of India in consultation with the local governments.

(*h*) The franchise for the University seats should be extended to all graduates of over seven years' standing.

(*i*) The Government of India should be instructed to consult with the Government of Bengal in respect of the representation of Europeans in Bengal. It appears to the Committee that there are good reasons for a readjustment of that representation. The recommendations of the report of the Franchise Committee in respect of European representation in other provinces may be accepted.

(*j*) The question whether the rulers and subjects of Indian States may be registered as electors or may be elected to the legislative councils should be left to be settled in each case by the local government of the province.

(*k*) The Committee are of opinion that dismissal from the service of the government in India should not be a disqualification for election, but that a criminal conviction entailing a sentence of more than six months' imprisonment should be a disqualification for five years from the date of the expiration of the sentence.

(*l*) The compromise suggested by the Franchise Committee in respect of the residential qualification of candidates for legislative councils whereby the restriction was to be imposed only in the provinces of Bombay, the Punjab, and the Central Provinces may be accepted.

(*m*) The recommendations of the Franchise Committee in respect of the proportionate representations of Mohammedans, based on the Lucknow compact, may be accepted.

Two further observations must be made on this question of franchise. It seems to the Committee that the principle of proportional representation may be found to be particularly applicable to the

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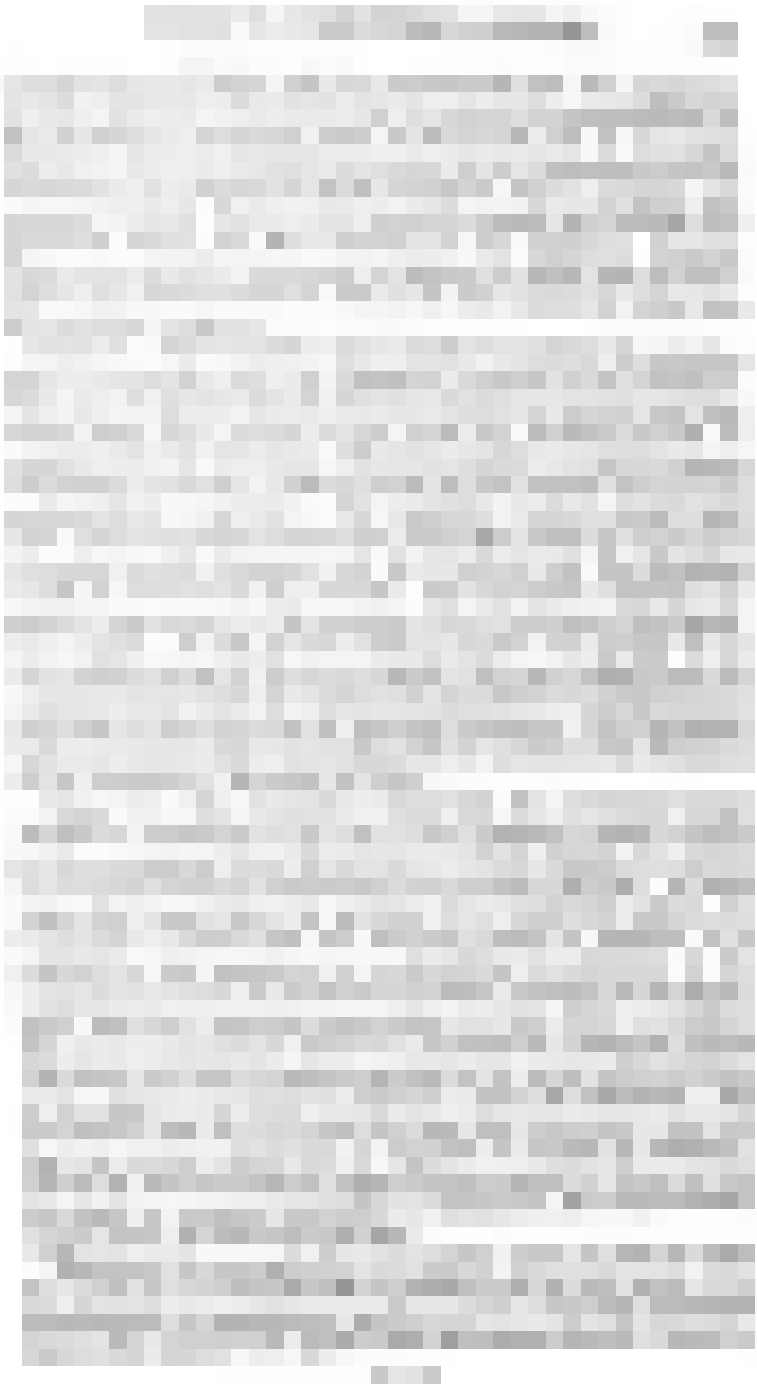
circumstances of India, and they recommend that this suggestion be fully explored, so that there may be material for consideration by the Statutory Commission when it sits at the end of ten years. Further it has been strongly represented to the Committee, and the Committee are themselves firmly convinced, that a complete and stringent Corrupt Practices Act should be passed and brought into operation before the first elections for the legislative councils. There is no such Act at present in existence in India, and the Committee are convinced that it will not be less required in India than it is in other countries.

Clause 9. The Committee have considered carefully the question who is to preside over the legislative councils in the provinces. They are of opinion that the Governor should not preside, and they advise that, for a period of four years, the President should be appointed by the Governor. Wherever possible it would be a great advantage if someone could be found for this purpose who had had parliamentary experience. The legislative council should itself elect a Vice President, and at the end of four years the nominated President would disappear, and the President and Vice-President would be elected by the councils. The Committee attribute the greatest importance to this question of the Presidency of the legislative council. It will, in their opinion, conduce very greatly to the successful working of the new councils if they are imbued from the commencement with the spirit and conventions of parliamentary procedure as developed in the Imperial Parliament. The Committee will recur to this subject in dealing with the question of the President of the Legislative Assembly of India.

Clause 11. The Committee think that the provincial budget should be submitted to the vote of the legislative council, subject to the exemption from this process of certain charges of a special or recurring character which have been set out in the Bill. In cases where the council alter the provision for a transferred subject, the Committee consider that the Governor would be justified, if so advised by his ministers, in re-submitting the provision to the council for a review of their former decision; but they do not apprehend that any statutory prescription to that effect is required. Where the council have reduced a provision for a reserved subject which the Governor considers essential to the proper administration of the subject concerned, he will have a power of restoration. The Committee wish it to be perfectly clear that this power is real and that its exercise should not be regarded as unusual or arbitrary; unless the Governor has the right to secure supply for those services for which he remains responsible to Parliament, that responsibility cannot justly be fastened upon him.

Whenever the necessity for new taxation arises, as arise it must, the questions involved should be threshed out by both parts of the Government in consultation together, and it is especially important that in this matter both parts of the Government should, if possible,



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Clause 13.—The Committee have rejected the plan of Grand Committees as drafted originally in the Bill. They have done so because in their opinion the Grand Committee did not give the Governor the power of securing legislation in a crisis in respect of those matters for which he is held responsible, and because in respect of ordinary legislation about reserved subjects it perpetuated the system of securing legislation by what is known as the " official bloc," which has been the cause of great friction and heartburning. The responsibility for legislation on reserved subjects is with the Governor in Council, and, when the " official bloc " has been put into operation, it has been put into operation by him, and is merely an indirect way of asserting his responsibility. The Committee think it much better that there should be no attempt to conceal the fact that the responsibility is with the Governor in Council, and they recommend a process by which the Governor should be empowered to pass an Act in respect of any reserved subject, if he considers that the Act is necessary for the proper fulfilment of his responsibility to Parliament. He should not do so until he has given every opportunity for the matter to be thoroughly discussed in the legislative council, and as a sensible man he should, of course, endeavour to carry the legislative council with him in the matter by the strength of his case. But, if he finds that cannot be so, then he should have the power to proceed on his own responsibility. Acts passed on his sole responsibility should be reserved by the Governor-General for His Majesty's pleasure, and be laid before Parliament. His Majesty will necessarily be advised by the Secretary of State for India, and the responsibility for the advice to be given to His Majesty can only rest with the Secretary of State. But the Committee suggest that the Standing Committee of Parliament, whose appointment they have advised, should be specially consulted about Acts of this character. Provision, however, is made in the Bill for the avoidance of delay in case of a grave emergency by giving the Governor-General power to assent to the Act without reserving it, though this of course would not prevent subsequent disallowance by His Majesty in Council.

Clause 15.—The Committee have two observations to make on the working of this Clause. On the one hand, they do not think that any change in the boundaries of a province should be made without due consideration of the views of the legislative council of the province. On the other hand, they are of opinion that any clear request made by a majority of the members of a legislative council representing a distinctive racial or linguistic territorial unit for its constitution under this Clause as a sub-province or a separate province should be taken as a *prima facie* case on the strength of which a commission of inquiry might be appointed by the Secretary of State, and that it should not be a bar to the appointment of such

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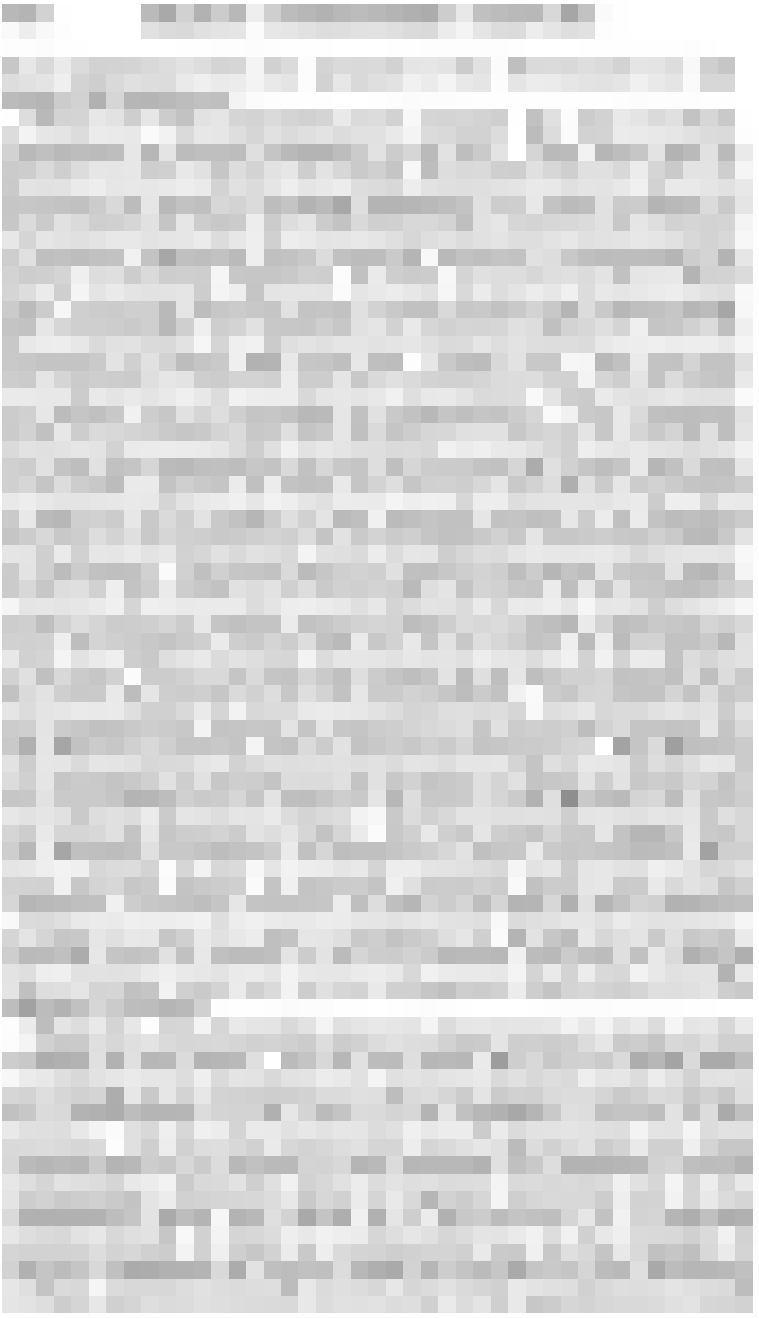


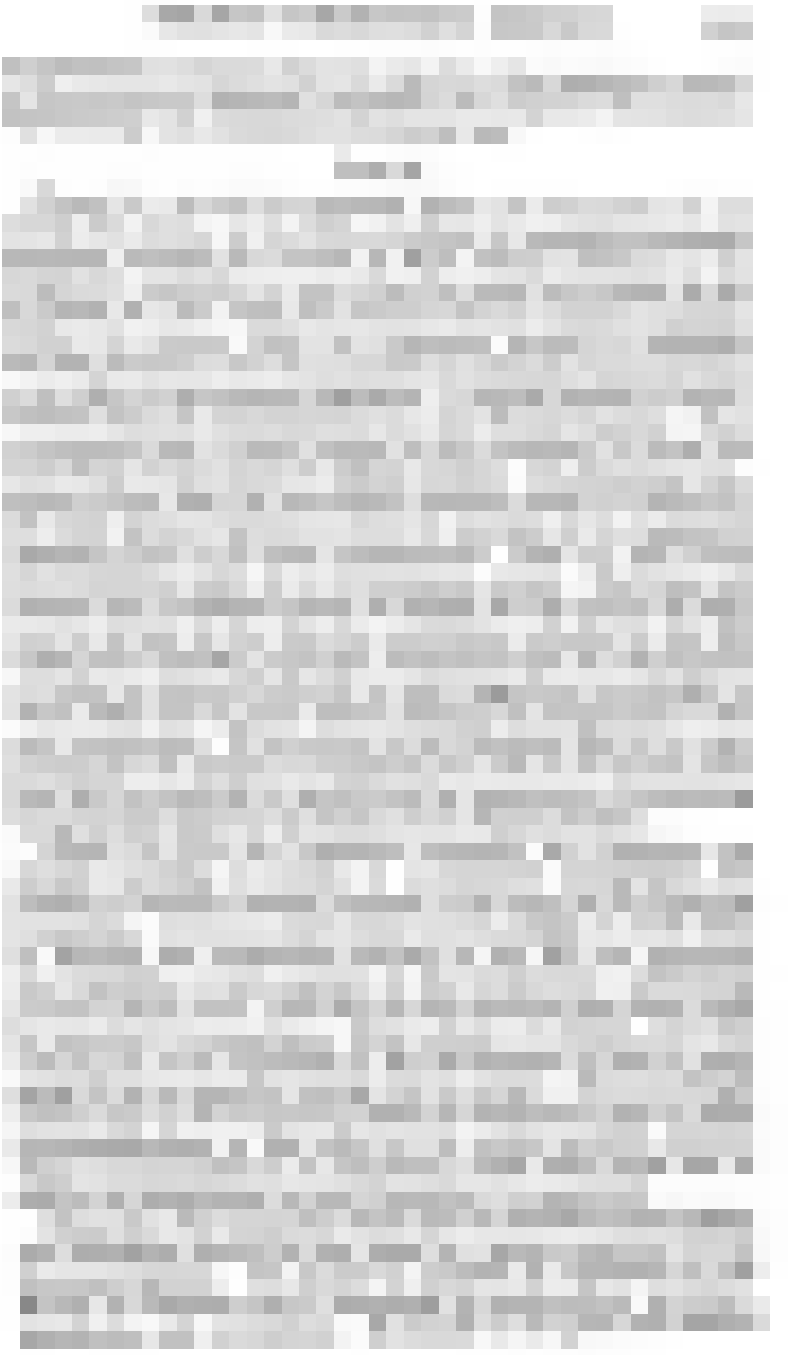
a commission of inquiry that the majority of the legislative council of the province in question is opposed to the request of the minority representing such a distinctive territorial unit.

PART II.

Clause 18.—As will be explained below, the Committee do not accept the device, in the Bill as drafted, of carrying government measures through the Council of State without reference to the Legislative Assembly, in cases where the latter body cannot be got to assent to a law which the Governor-General considers essential. Under the scheme which the Committee propose to substitute for this procedure, there is no necessity to retain the Council of State as an organ for government legislation. It should therefore be reconstituted from the commencement as a true Second Chamber. They recommend that it should consist of sixty members, of whom not more than twenty should be official members. The Franchise Committee advise that the non-official members should be elected by the same group of persons as elect the members of the Legislative Assembly and in the same constituencies. This is a plan which the Committee could, in no circumstances, accept. They hope and believe that a different system of election for the Council of State can be devised by the time the constitution embodied in this Bill comes into operation, and they recommend that the Government of India be enjoined forthwith to make suggestions accordingly, to which effect can be given without delaying the inauguration of the new constitution. If the advice of the Committee that it be re-appointed for the purpose of considering the rules to be framed under this Bill be approved, it should have an opportunity of considering the proposals made for the election of the Council of State.

Clause 19.—For the Legislative Assembly the Committee are equally unwilling to accept, as a permanent arrangement, the method of indirect election proposed in the report of the Franchise Committee. If by no other course it were possible to avoid delay in bringing the constitution enacted by the Bill into operation, the Committee would acquiesce in that method for a preliminary period of three years. But they are not convinced that delay would be involved in preparing a better scheme of election, and they endorse the views expressed by the Government of India in paragraph 39 of its despatch dealing with the subject. They accordingly advise that the Government of India be instructed at once to make recommendations to this effect at the earliest possible moment. These recommendations as embodied in draft rules would also be subject to examination by this Committee if re-appointed.

Clause 20.—The Committee think that the President of the Legislative Assembly should for four years be a person appointed by the Governor-General. He should be qualified by experience in the House of Commons and a knowledge of parliamentary procedure, precedents, and conventions. He should be the guide and adviser



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of the Presidents of the provincial councils, and he should be chosen with a view to the influence which it is hoped he would have on the whole history of parliamentary procedure in India. He should be paid an adequate salary.

Clause 25.—This is a new provision for the submission of the Indian Budget to the vote of the Legislative Assembly, on the understanding that this body is constituted as a chamber reasonably representative in character and elected directly by suitable constituencies. The Committee consider it necessary (as suggested to them by the consolidated fund charges in the Imperial Parliament) to exempt certain charges of a special or recurring nature, which have been set out in the Bill, *e.g.* the cost of defence, the debt charges, and certain fixed salaries, from the process of being voted. But otherwise they would leave the Assembly free to criticise and vote the estimates of expenditure of the Government of India. It is not, however, within the scheme of the Bill to introduce at the present stage any measure of responsible government into the central administration, and a power must be reserved to the Governor-General in Council of treating as sanctioned any expenditure which the Assembly may have refused to vote if he considers the expenditure to be necessary for the fulfilment of his responsibilities for the good government of the country. It should be understood from the beginning that this power of the Governor-General in Council is real, and that it is meant to be used if and when necessary.

Clause 26.—For reasons which prompted their rejection of the process of certification by a Governor to a grand committee in a province, the Committee are opposed to the proposals in the Bill which would have enabled the Governor-General to refer to the Council of State, and to obtain by virtue of his official majority in that body, any legislation which the lower chamber refuse to accept, but which he regards as essential to the discharge of his duties. The Committee have no hesitation in accepting the view that the Governor-General in Council should in all circumstances be fully empowered to secure legislation which is required for the discharge of his responsibilities; but they think it is unworthy that such responsibility should be concealed through the action of a Council of State specially devised in its composition to secure the necessary powers. They believe that in such a case it would add strength to the Government of India to act before the world on its own responsibility. In order, however, that Parliament may be fully apprised of the position of the considerations which led to this exceptional procedure, they advise that all Acts passed in this manner should be laid before Parliament, who would naturally consider the opinion of the standing committee already referred to.

Clause 28.—The recommendation of the Committee is that the present limitation on the number of the members of the Governor-General's Executive Council should be removed, that three members of that Council should continue to be public servants or ex-public

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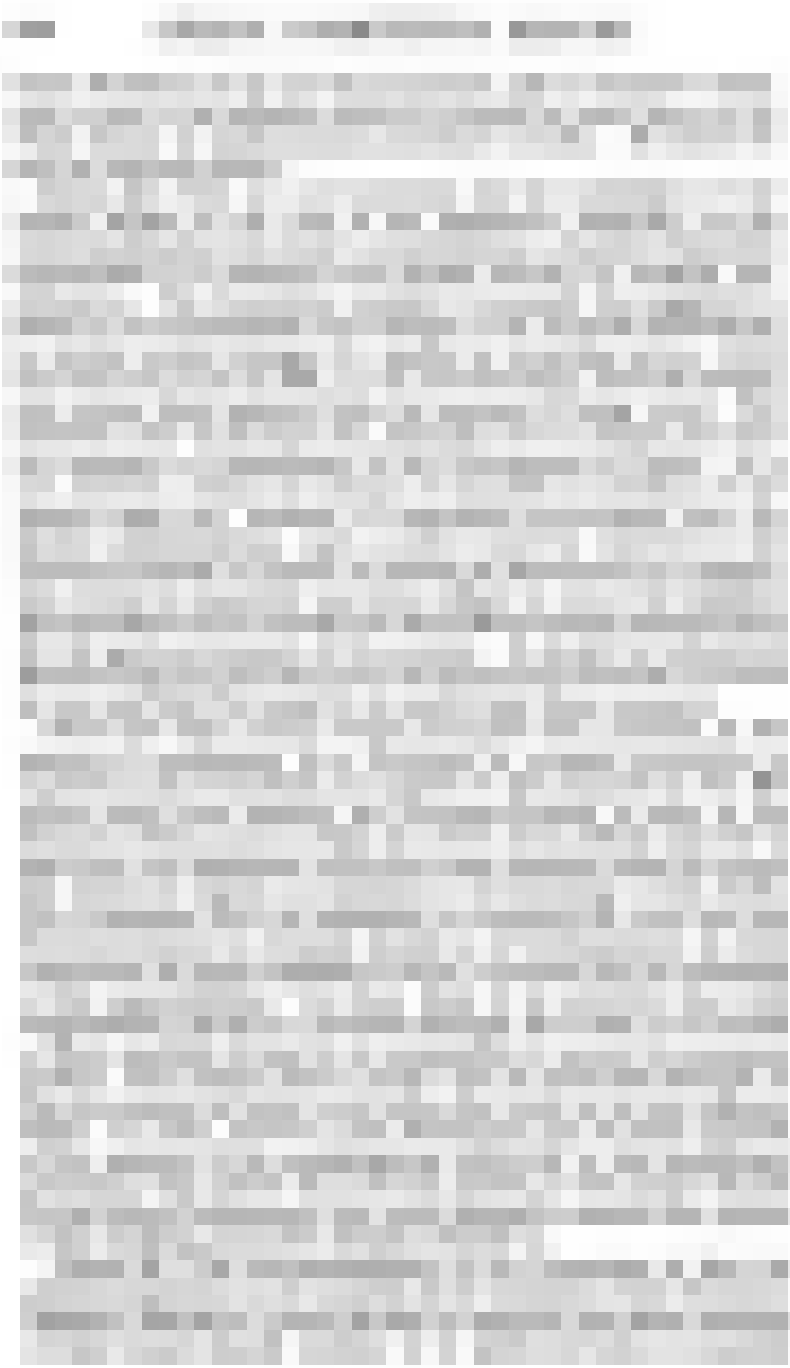

servants who have had not less than ten years' experience in the service of the Crown in India; that one member of the Council should have definite legal qualifications, but that those qualifications may be gained in India as well as in the United Kingdom; and that not less than three members of the Council should be Indians. In this connection it must be borne in mind that the members of the Council drawn from the ranks of the public servants will, as time goes on, be more and more likely to be of Indian rather than of European extraction.

Clause 29.—The Committee have inserted this provision to allow of the selection of members of the legislature who will be able to undertake duties similar to those of the Parliamentary Under-Secretaries in this country. It should be entirely at the discretion of the Governor-General to say to which departments these officers should be attached, and to define the scope of their duties.

Part III.

Clause 30.—The Committee think that all charges of the India Office, not being "agency" charges, should be paid out of moneys to be provided by Parliament.

Clause 31.—The Committee are not in favour of the abolition of the Council of India. They think that, at any rate for some time to come, it will be absolutely necessary that the Secretary of State should be advised by persons of Indian experience, and they are convinced that, if no such Council existed, the Secretary of State would have to form an informal one if not a formal one. Therefore, they think it much better to continue a body which has all the advantages behind it of tradition and authority, although they would not debar the readjustment of its work so as to make it possible to introduce what is known as the portfolio system. They think, also, that its constitution may advantageously be modified by the introduction of more Indians into it and by shortening of the period of the service upon it, in order to ensure a continuous flow of fresh experience from India and to relieve Indian members from the necessity of spending so long a period as seven years in England.

Clause 33.—The Committee have given most careful consideration to the relations of the Secretary of State with the Government of India, and through it with the provincial governments. In the relations of the Secretary of State with the Governor-General in Council the Committee are not of opinion that any statutory change can be made, so long as the Governor-General remains responsible to Parliament, but in practice the conventions which now govern these relations may wisely be modified to meet fresh circumstances caused by the creation of a Legislative Assembly with a large elected majority. In the exercise of his responsibility to Parliament, which he cannot delegate to anyone else, the Secretary of State may reasonably consider that only in exceptional circumstances should

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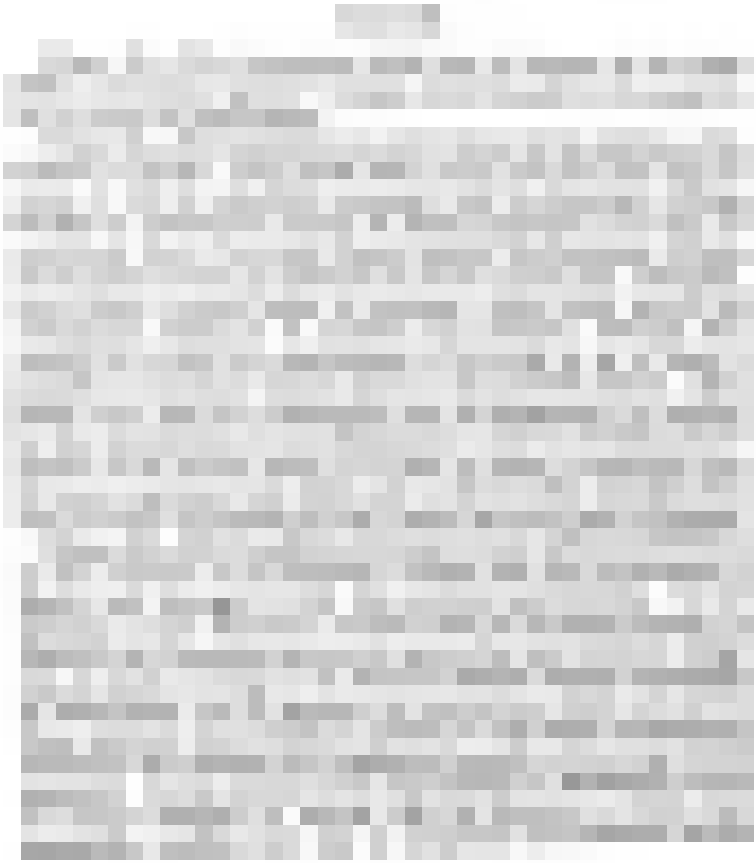

be be called upon to intervene in matters of purely Indian interest where the Government and the Legislature of India are in agreement.

This examination of the general proposition leads inevitably to the consideration of one special case of non-intervention. Nothing is more likely to endanger the good relations between India and Great Britain than a belief that India's fiscal policy is dictated from Whitehall in the interests of the trade of Great Britain. That such a belief exists at the moment there can be no doubt. That there ought to be no room for it in the future is equally clear. India's position in the Imperial Conference opened the door to negotiation between India and the rest of the Empire, but negotiation without power to legislate is likely to remain ineffective. A satisfactory solution of the question can only be guaranteed by the grant of liberty to the Government of India to devise those tariff arrangements which seem best fitted to India's needs as an integral portion of the British Empire. It cannot be guaranteed by statute without limiting the ultimate power of Parliament to control the administration of India, and without limiting the power of veto which rests in the Crown; and neither of these limitations finds a place in any of the Statutes in the British Empire. It can only, therefore, be assured by an acknowledgment of a convention. Whatever be the right fiscal policy for India, for the needs of her consumers as well as for her manufacturers, it is quite clear that she should have the same liberty to consider her interests as Great Britain, Australia, New Zealand, Canada and South Africa. In the opinion of the Committee, therefore, the Secretary of State should as far as possible avoid interference on this subject when the Government of India and its Legislature are in agreement, and they think that his intervention, when it does take place, should be limited to safeguarding the international obligations of the Empire or any fiscal arrangements within the Empire to which His Majesty's Government is a party.

The relations of the Secretary of State and of the Government of India with provincial governments should, in the Committee's judgment, be regulated by similar principles, so far as the reserved subjects are concerned. It follows, therefore, that in purely provincial matters, which are reserved, where the provincial government and legislature are in agreement, their view should ordinarily be allowed to prevail, though it is necessary to bear in mind the fact that some reserved subjects do cover matters in which the central government is closely concerned. Over transferred subjects, on the other hand, the control of the Governor-General in Council, and thus of the Secretary of State, should be restricted in future within the narrowest possible limits, which will be defined by rules under sub-clause 3 of Clause 1 of the Bill.

Rules under this clause will be subsidiary legislation of sufficient moment to justify their being brought especially to the notice of Parliament. The Secretary of State might conveniently discuss them with the Standing Committee whose creation has been recom-

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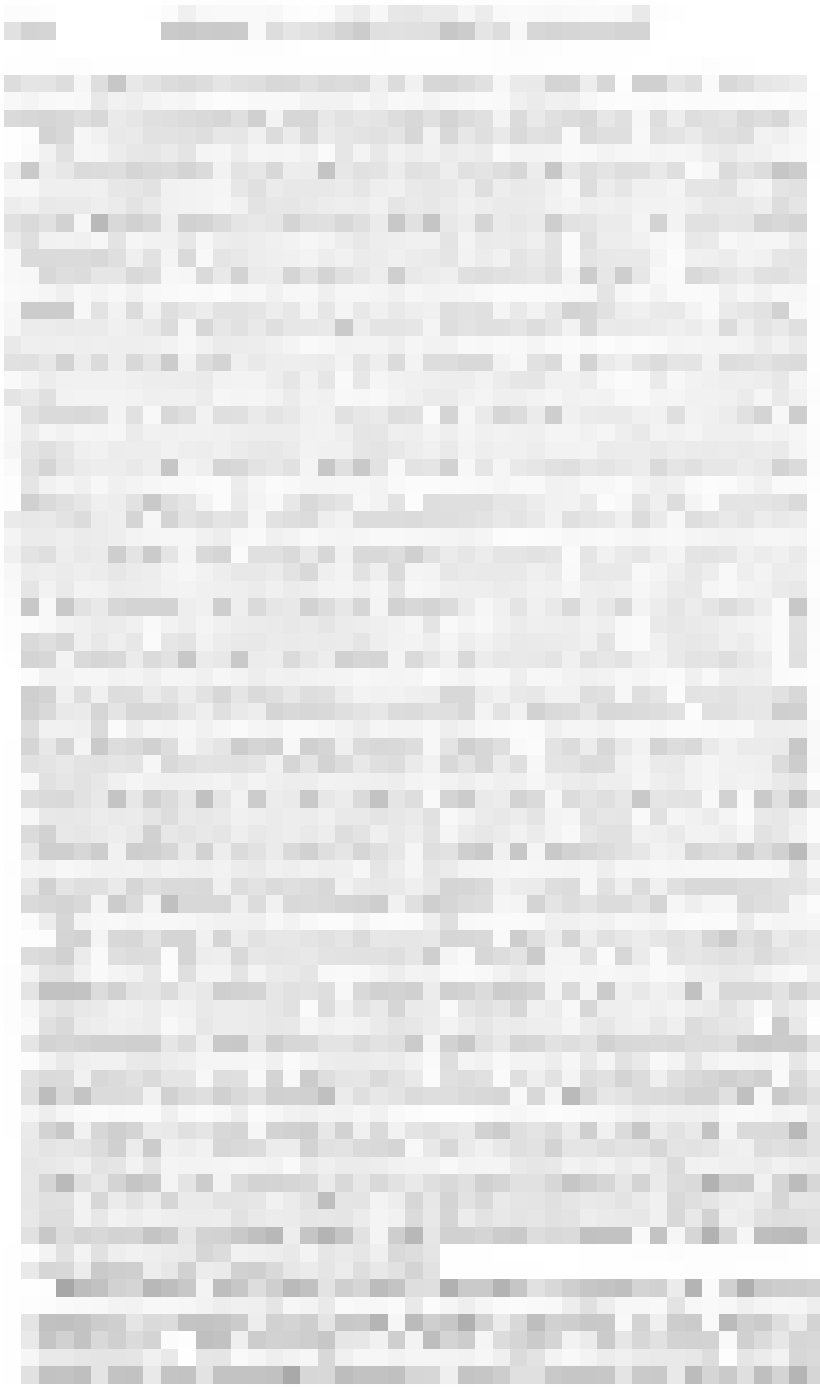

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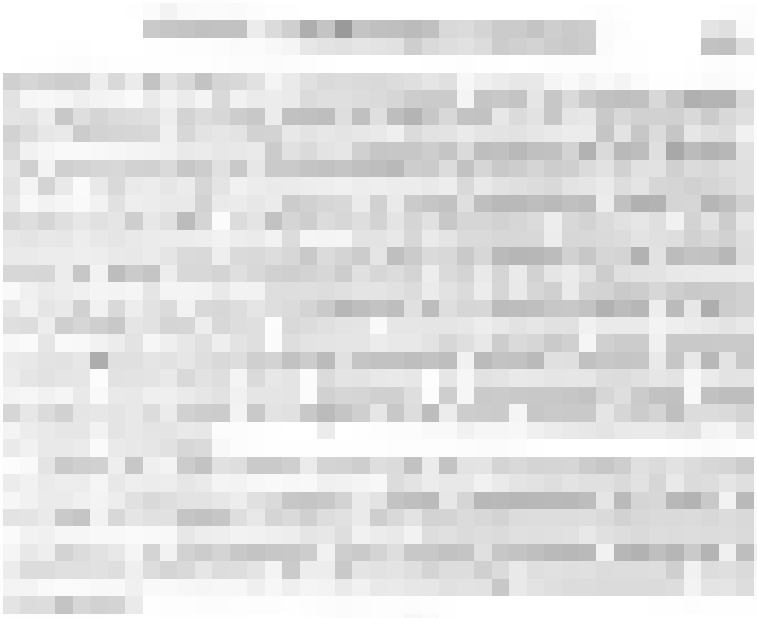
Clause 35.—This clause carries out the recommendation of Lord Crewe's Committee to appoint a High Commissioner for India, to be paid out of Indian revenues, who will perform for India functions of agency, as distinguished from political functions, analogous to those now performed in the offices of the High Commissioners of the Dominions.

PART IV.

Clause 36. The Committee do not conceal from themselves that the position of the public services in working the new constitutions in the provinces will, in certain circumstances, be difficult. They are of opinion that these services have deserved the admiration and gratitude of the whole Empire. They know that some members of the services regard the wisdom of the proposed changes with grave misgiving, and that some fear that those changes will not tend to the welfare of the Indian masses. They are convinced, however, that the services will accept the changing conditions and the inevitable alteration in their own position, and devote themselves in all loyalty to making a success, so far as in them lies, of the new constitution.

In the provinces, officers serving in a reserved department will be controlled by the Governor in Council, and in a transferred department by the Governor acting with ministers, but in both cases alike the personal concurrence of the Governor should be regarded as essential in the case of all orders of any importance prejudicially affecting the position or prospects of officers appointed by the Secretary of State.

The Committee think that every precaution should be taken to secure to the public servants the career in life to which they looked forward when they were recruited, and they have introduced fresh provisions into this clause to that end. If friction occurs, a re-adjustment of persons and places may often get over the difficulty, and the Governor must always regard it as one of his most important duties to establish a complete understanding between his ministers and the



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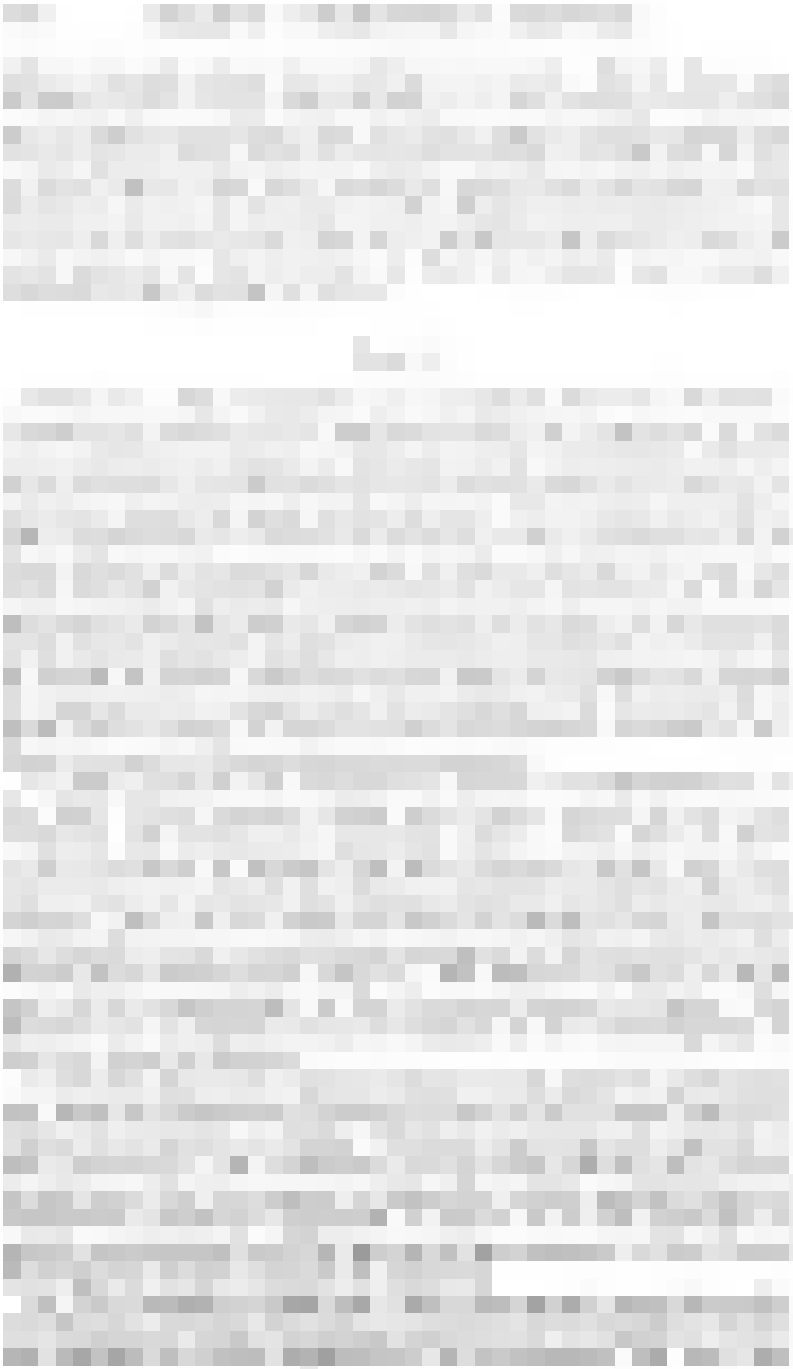
PART V.

Clause 11. The Committee are of opinion that the Statutory Commission should not be appointed until the expiration of ten years, and that no changes of substance in the constitution, whether in the franchise or in the lists of reserved and transferred subjects or otherwise, should be made in the interval. The Commission will be fully empowered to examine the working of the constitutions in all their details in the provinces, and to advise whether the time has come for full responsible government in each province, or in the alternative whether and to what extent the powers of self government already granted should be extended, or modified, or restricted. It should be clearly understood, also, that the Commission should be empowered to examine into the working of the Government of India and to advise in respect of the Government of India no less than in respect of the provincial governments.

8. This concludes the Committee's specific recommendations on the Bill. There remain certain other topics which do not conveniently fall within any particular clause. The first of these is the treatment of Burma, and after hearing evidence the Committee have not advised that Burma should be included within the scheme. They do not doubt but that the Burmese have deserved and should receive a constitution analogous to that provided in this Bill for their Indian fellow subjects. But Burma is only by accident part of the responsibility of the Governor General of India. The Burmese are as distinct from the Indians in race and language as they are from the British.

9. Doubts have been expressed from several quarters questioning the financial adjustment proposed between the Central and Provincial Governments in India. Without expressing any opinion on this controversy, the Committee accept and endorse the recommendation of the Government of India that a fully qualified financial commission should be appointed to advise as to the principle on which contributions from the provincial governments to the Central Government should in future be adjusted.

10. The Committee think that it may often greatly assist the political education of India if standing committees of the legislative bodies are attached to certain departments of Government, but they only



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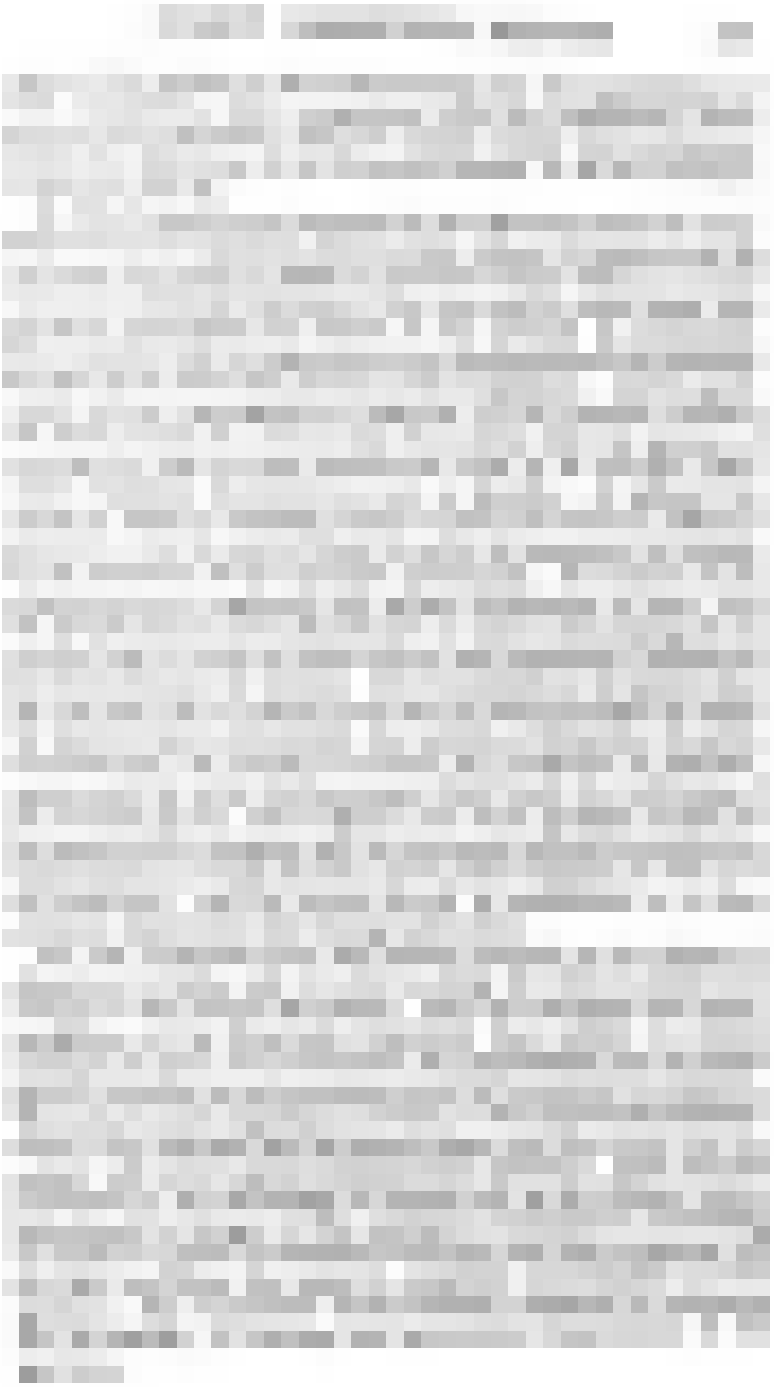
express this opinion on the understanding that the appointment of such committees, their composition, and the regulations which govern their procedure, shall be matters wholly and exclusively within the discretion of the Governor-General or of the Governor as the case may be.

11. The Committee are impressed by the objections raised by many witnesses to the manner in which certain classes of taxation can be laid upon the people of India by executive action without, in some cases, any statutory limitation of the rates and, in other cases, any adequate prescription by statute of the methods of assessment. They consider that the imposition of new burdens should be gradually brought more within the purview of the Legislature. And in particular, without expressing any judgment on the question whether the land revenue is a rent or tax, they advise that the process of revising the land revenue assessments ought to be brought under closer regulation by statute as soon as possible. At present the statutory basis for charging revenue on the land varies in different provinces; but in some at least the pitch of assessment is entirely at the discretion of the executive government. No branch of the administration is regulated with greater elaboration or care; but the people who are most affected have no voice in the shaping of the system, and the rules are often obscure and imperfectly understood by those who pay the revenue. The Committee are of opinion that the time has come to embody in the law the main principles by which the land revenue is determined, the methods of valuation, the pitch of assessment, the periods of revision, the graduation of enhancements, and the other chief processes which touch the well-being of the revenue payers. The subject is one which probably would not be transferred to ministers until the electorate included a satisfactory representation of rural interests, those of the tenantry as well as of the landlords; and the system should be established on a clear statutory basis before this change takes place.

12. The Committee have not hitherto touched on the subject of education in India, and it is far too large for them to make any attempt to deal with it adequately. They have accepted the recommendation of the Functions Committee that, subject to certain reservations about the Universities, the responsibility for the whole field of education in each province should be transferred to ministers. They attach much importance, however, to the educational advancement of the depressed and backward classes, and they trust that the subject will receive special attention from ministers. They are also impressed by the advantage of Boards such as Sir Michael Sadler has advised in Bengal, for the assistance of ministers in controlling the different grades of education, and they trust that ministers will see their way from the outset to constitute such Boards in every province. The Committee would similarly commend to ministers the advisability of creating local government departments in the provinces.



express this opinion on the understanding that the appointment of such committees, their composition, and the regulations which govern their procedure, shall be matters wholly and exclusively within the discretion of the Governor-General or of the Governor as the case may be.

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13. The Committee attach the greatest importance to the formation in each provincial government of a strong department of Finance which will serve both sides of the Government alike.

14. The Committee have been greatly struck by the earnest representations made to them by several witnesses, both of British and Indian birth, to the effect that the Government of India and the provincial governments must become more vocal, and put forth their view of what the good of India requires with more courage and more persistence than they have in the past. It has been represented to them that it will be of the utmost importance in the future that the Government of India and the provincial governments should have means of explaining to the people of India the reasons why things are done, the reasons which underlie decisions, and the arguments against proposals which they consider will be detrimental to the welfare of the country. It was represented to the Committee that at present, to a great extent, the case for the policy of the Government of India and of the provincial governments is unknown to the masses of Indians, whereas the case against that policy is becoming every day more widely disseminated by means of the vernacular press. They are glad to think that this opinion is also shared by the Secretary of State for India and the Viceroy. It is dealt with in paragraph 326 of their report on Indian Constitutional Reforms.

15. In conclusion the Committee emphatically repudiate the suggestion that the changes in this Bill in the form of the provincial governments of India imply any condemnation of the present system of government in India. The Government of India has accomplished great things for India's good, and one of its greatest services has been the introduction into India of a reign of law, to which the Government itself is as much subject as the people it governs. It is no reproach to it that in form it has been everywhere autocratic. So long as Parliament on the one hand did not bestow any form of constitutional self government on any part of India, and on the other hand held the Government of India rigidly responsible to itself for its every action, it could not be otherwise in the provinces any more than at the central seat of government. But, whatever the form, the spirit of its being everywhere and always has been effort for the welfare of the masses of the people of India.

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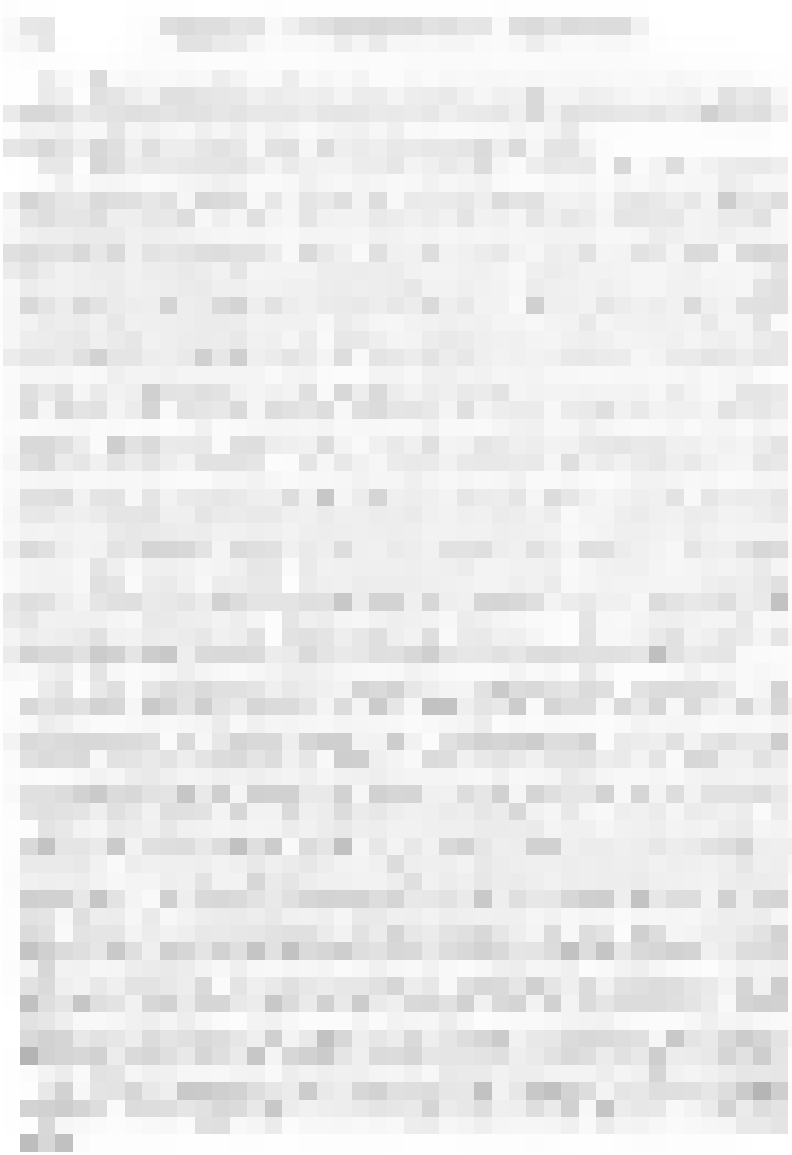

APPENDIX B

GOVERNMENT OF INDIA ACT, 1919.

[9 & 10 GEO. 5.]

CHAPTER 101.

An Act to make further provision with respect to the Government of India. [23rd December 1919.] A.D. 1919.

WHEREAS it is the declared policy of Parliament to provide for the increasing association of Indians in every branch of Indian administration, and for the gradual development of self-governing institutions, with a view to the progressive realisation of responsible government in British India as an integral part of the empire:

And whereas progress in giving effect to this policy can only be achieved by successive stages, and it is expedient that substantial steps in this direction should now be taken:

And whereas the time and manner of each advance can be determined only by Parliament, upon whom responsibility lies for the welfare and advancement of the Indian peoples:

And whereas the action of Parliament in such matters must be guided by the co-operation received from those on whom new opportunities of service will be conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility:

And whereas concurrently with the gradual development of self governing institutions in the Provinces of India it is expedient to give to those Provinces in provincial matters the largest measure of independence of the Government of India, which is compatible with the due discharge by the latter of its own responsibilities:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

LOCAL GOVERNMENTS.

Classification of central and provincial

1. (1) Provision may be made by rules under the Government of India Act, 1915, as amended by the Government of India (Amendment) Act, 1916 (which Act, as so amended, is in this Act referred to as 'the principal Act')—

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A.D. 1919.

subjects. 5 & 6 Geo. 5. c. 61. 6 & 7 Geo. 5. c. 37.

(*a*) for the classification of subjects, in relation to the functions of government, as central and provincial subjects, for the purpose of distinguishing the functions of local governments and local legislatures from the functions of the Governor-General in Council and the Indian legislature;

(*b*) for the devolution of authority in respect of provincial subjects to local governments, and for the allocation of revenues or other moneys to those governments;

(*c*) for the use under the authority of the Governor-General in Council of the agency of local governments in relation to central subjects, in so far as such agency may be found convenient, and for determining the financial conditions of such agency; and

(*d*) for the transfer from among the provincial subjects of subjects (in this Act referred to as "transferred subjects") to the administration of the governor acting with ministers appointed under this Act, and for the allocation of revenues or moneys for the purpose of such administration.

(2) Without prejudice to the generality of the foregoing powers, rules made for the above-mentioned purposes may

(i) regulate the extent and conditions of such devolution, allocation, and transfer;

(ii) provide for fixing the contributions payable by local governments to the Governor General in Council, and making such contributions a first charge on allocated revenues or moneys;

(iii) provide for constituting a finance department in any province, and regulating the functions of that department;

(iv) provide for regulating the exercise of the authority vested in the local government of a province over members of the public services therein;

(v) provide for the settlement of doubts arising as to whether any matter does or does not relate to a provincial subject or a transferred subject, and for the treatment of matters which affect both a transferred subject and a subject which is not transferred; and

(vi) make such consequential and supplemental provisions as appear necessary or expedient:

Provided that, without prejudice to any general power of revoking or altering rules under the principal Act, the rules shall not authorise the revocation or suspension of the transfer of any subject except with the sanction of the Secretary of State in Council.

(3) The powers of superintendence, direction, and control over local governments vested in the Governor-General in Council under the principal Act shall, in relation to transferred subjects, be exercised only for such purposes as may be specified in rules made under that Act, but the Governor-General in Council shall be the sole judge

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as to whether the purpose of the exercise of such powers in any particular case comes within the purposes so specified. A.D. 1919

(4) The expressions "central subjects" and "provincial subjects" as used in this Act mean subjects so classified under the rules.

Provincial subjects, other than transferred subjects, are in this Act referred to as "reserved subjects".

Borrowing powers of local governments.

2. (1) The provision in subsection (1) of section thirty of the principal Act, which gives power to local governments to raise money on real or personal estate within the limits of their respective governments by way of mortgage or otherwise, shall have effect as though that provision conferred a power on local governments to raise money on the security of their allocated revenues, and to make proper assurances for that purpose.

(2) Provision may be made by rules under the principal Act as to the conditions under which the power to raise loans on the security of allocated revenues shall be exercised.

(3) The provision in subsection (1) of section thirty of the principal Act, which enables the Secretary of State in Council with the concurrence of a majority of votes at a meeting of the Council of India to prescribe provisions or conditions limiting the power to raise money, shall cease to have effect as regards the power to raise money on the security of allocated revenues.

Revised system of local government in certain provinces.

3. (1) The presidencies of Fort William in Bengal, Fort St. George, and Bombay, and the provinces known as the United Provinces, the Punjab, Bihar and Orissa, the Central Provinces, and Assam, shall each be governed, in relation to reserved subjects, by a governor in council, and in relation to transferred subjects (save as otherwise provided by this Act) by the governor acting with ministers appointed under this Act.

The said presidencies and provinces are in this Act referred to as "governor's provinces" and the two first-named presidencies are in this Act referred to as the presidencies of Bengal and Madras.

(2) The provisions of section forty-six to fifty-one of the principal Act, as amended by this Act, shall apply to the United Provinces, the Punjab, Bihar and Orissa, the Central Provinces, and Assam, as they apply to the presidencies of Bengal, Madras, and Bombay: Provided that the governors of the said provinces shall be appointed after consultation with the Governor-General.

Appointment of ministers and council secretaries.

4. (1) The governor of a governor's province may, by notification, appoint ministers, not being members of his executive council or other officials, to administer transferred subjects, and any ministers so appointed shall hold office during his pleasure.

There may be paid to any minister so appointed in any province the same salary as is payable to a member of the executive council in that province, unless a smaller salary is provided by vote of the legislative council of the province.

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A.D. 1919. months, unless he is or becomes an elected member of the local legislature.

(3) In relation to transferred subjects, the governor shall be guided by the advice of his ministers, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice: Provided that rules may be made under the principal Act for the temporary administration of a transferred subject where, in cases of emergency, owing to a vacancy, there is no minister in charge of the subject, by such authority and in such manner as may be prescribed by the rules.

(4) The governor of a governor's province may at his discretion appoint from among the non official members of the local legislature council secretaries, who shall hold office during his pleasure, and discharge such duties in assisting members of the executive council and ministers, as he may assign to them.

There shall be paid to council secretaries so appointed such salary as may be provided by vote of the legislative council.

A council secretary shall cease to hold office if he ceases for more than six months to be a member of the legislative council.

Qualification of members of local executive councils.

5. (1) The provision in section forty seven of the principal Act, that two of the members of the executive council of the governor of a province must have been for at least twelve years in the service of the Crown in India, shall have effect as though "one" were substituted for "two," and the provision in that section that the Commander in Chief of His Majesty's Forces in India, if resident at Calcutta, Madras, or Bombay, shall, during his continuance there, be a member of the governor's council, shall cease to have effect.

(2) Provision may be made by rules under the principal Act as to the qualifications to be required in respect of members of the executive council of the governor of a province in any case where such provision is not made by section forty seven of the principal Act as amended by this section.

Business of governor in council and governor with ministers.

6. (1) All orders and other proceedings of the government of a governor's province shall be expressed to be made by the government of the province, and shall be authenticated as the governor may by rule direct, so, however, that provision shall be made by rule for distinguishing orders and other proceedings relating to transferred subjects from other orders and proceedings.

Orders and proceedings authenticated as aforesaid shall not be called into question in any legal proceeding on the ground that they were not duly made by the government of the province.

(2) The governor may make rules and orders for the more convenient transaction of business in his executive council and with his ministers, and every order made or act done in accordance with those rules and orders shall be treated as being the order or the act of the government of the province.

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Provided that any rules or orders made for the purposes specified in this section which are repugnant to the provisions of any rules made under the principal Act as amended by this Act shall, to the extent of that repugnancy, but not otherwise, be void.

Composition of governors' legislative councils.

7.—(1) There shall be a legislative council in every governor's province, which shall consist of the members of the executive council and of members nominated or elected as provided by this Act.

The governor shall not be a member of the legislative council, but shall have the right of addressing the council, and may for that purpose require the attendance of its members.

(2) The number of members of the governors' legislative councils shall be in accordance with the table set out in the First Schedule to this Act; and of the members of each council not more than twenty per cent. shall be official members, and at least seventy per cent. shall be elected members:

Provided that—

(*a*) subject to the maintenance of the above proportions, rules under the principal Act may provide for increasing the number of members of any council, as specified in that schedule; and

(*b*) the governor may, for the purposes of any Bill introduced or proposed to be introduced in his legislative council, nominate, in the case of Assam one person, and in the case of other provinces not more than two persons, having special knowledge or experience of the subject-matter of the Bill, and those persons shall, in relation to the Bill, have for the period for which they are nominated all the rights of members of the council, and shall be in addition to the numbers above referred to; and

(*c*) members nominated to the legislative council of the Central Provinces by the governor as the result of elections held in the Assigned Districts of Berar shall be deemed to be elected members of the legislative council of the Central Provinces.

(3) The powers of a governor's legislative council may be exercised notwithstanding any vacancy in the council.

(4) Subject as aforesaid, provision may be made by rules under the principal Act as to—

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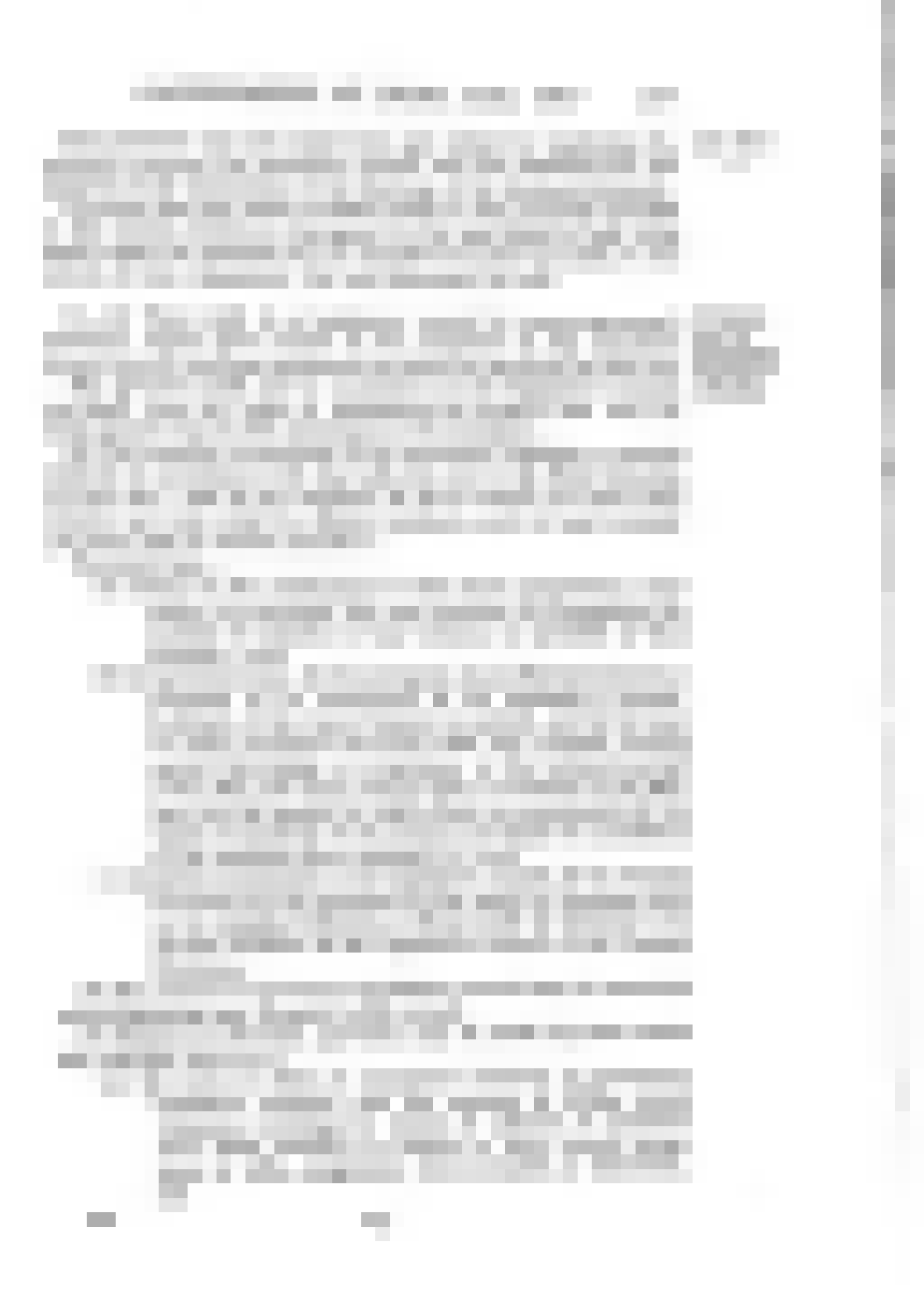

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(*b*) the conditions under which and manner in which persons may be nominated as members of governors' legislative councils; and

(*c*) the qualification of electors, the constituencies and the method of election for governors' legislative councils, including the number of members to be elected by communal and other electorates, and any matter incidental or ancillary thereto; and

(*d*) the qualifications for being and for being nominated or elected as a member of any such council; and

(*e*) the final decision of doubts or disputes as to the validity of any election; and

(*f*) the manner in which the rules are to be carried into effect.

Provided that rules as to any such matters as aforesaid may provide for delegation to the local government such power as may be specified in the rules of making subordinate regulations affecting the same matters.

(3) Subject to any rules under this section, any person who is a subject of any State in India may be nominated as a member of a governor's legislative council.

Sessions and duration of governors' legislative councils.

8. (1) Every governor's legislative council shall continue for three years from its first meeting:

Provided that

(*a*) the council may be sooner dissolved by the governor; and

(*b*) the said period may be extended by the governor for a period not exceeding one year, by notification in the official gazette of the province, if in special circumstances (to be specified in the notification) he so think fit; and

(*c*) after the dissolution of the council the governor shall appoint a date not more than six months or, with the sanction of the Secretary of State, not more than nine months from the date of dissolution for the next session of the council.

(2) A governor may appoint such times and places for holding the sessions of his legislative council as he thinks fit, and may also, by notification or otherwise, prorogue the council.

(3) Any meeting of a governor's legislative council may be adjourned by the person presiding.

(4) All questions in a governor's legislative council shall be determined by a majority of votes of the members present other than the person presiding, who shall, however, have and exercise a casting vote in the case of an equality of votes.

Presidents of governors' legislative councils.

9. (1) There shall be a president of a governor's legislative council, who shall, until the expiration of a period of four years from the first meeting of the council as constituted under this Act, be a person appointed by the governor, and shall thereafter be a member of the council elected by the council and approved by the governor:

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(*b*) the conditions under which and manner in which persons may be nominated as members of governors' legislative councils; and

(*c*) the qualification of electors, the constituencies and the method of election for governors' legislative councils, including the number of members to be elected by communal and other electorates, and all matters incidental or ancillary thereto; and

(*d*) the qualifications for being and for being nominated or elected as a member of any such council; and

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Provided that, if at the expiration of such period of four years the council is in session, the president then in office shall continue in office until the end of the current session, and the first election of a president shall take place at the commencement of the next ensuing session.

(2) There shall be a deputy-president of a governor's legislative council who shall preside at meetings of the council in the absence of the president, and who shall be a member of the council elected by the council and approved by the governor.

(3) The appointed president of a council shall hold office until the date of the first election of a president by the council under this section, but he may resign office by writing under his hand addressed to the governor, or may be removed from office by order of the governor, and any vacancy occurring before the expiration of the term of office of an appointed president shall be filled by a similar appointment for the remainder of such term.

(4) An elected president and a deputy-president shall cease to hold office on ceasing to be members of the council. They may resign office by writing under their hands addressed to the governor, and may be removed from office by a vote of the council with the concurrence of the governor.

(5) The president and the deputy-president shall receive such salaries as may be determined, in the case of an appointed president, by the governor, and in the case of an elected president or deputy-president, by Act of the local legislature.

Powers of local legislatures.

10.—(1) The local legislature of any province has power, subject to the provisions of this Act, to make laws for the peace and good government of the territories for the time being constituting that province.

(2) The local legislature of any province may, subject to the provisions of the subsection next following, repeal or alter as to that province any law made either before or after the commencement of this Act by any authority in British India other than that local legislature.

(3) The local legislature of any province may not, without the previous sanction of the Governor-General, make or take into consideration any law—

(*a*) imposing or authorising the imposition of any new tax unless the tax is a tax scheduled as exempted from this provision by rules made under the principal Act; or

(*b*) affecting the public debt of India, or the customs duties, or any other tax or duty for the time being in force and imposed by the authority of the Governor-General in Council for the general purposes of the government of India, provided that the imposition or alteration of a tax scheduled as aforesaid shall not be deemed to affect any such tax or duty; or

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(c) affecting the discipline or maintenance of any part of His Majesty's naval, military, or air forces; or

(d) affecting the relations of the government with foreign princes or states; or

(e) regulating any central subject; or

(f) regulating any provincial subject which has been declared by rules under the principal Act to be, either in whole or in part, subject to legislation by the Indian Legislature, in respect of any matter to which such declaration applies; or

(g) affecting any power expressly reserved to the Governor-General in Council by any law for the time being in force; or

(h) altering or repealing the provisions of any law which, having been made before the commencement of this Act by any authority in British India other than that local legislature, is declared by rules under the principal Act to be a law which cannot be repealed or altered by the local legislature without previous sanction; or

(i) altering or repealing any provision of an Act of the Indian Legislature made after the commencement of this Act, which by the provisions of that Act may not be repealed or altered by the local legislature without previous sanction:

Provided that an Act or a provision of an Act made by a local legislature, and subsequently assented to by the Governor General in pursuance of this Act, shall not be deemed invalid by reason only of its requiring the previous sanction of the Governor General under this Act.

(4) The local legislature of any province has not power to make any law affecting any Act of Parliament.

Business and procedure in governors' legislative councils.

11. (1) Subsections (1) and (3) of section eighty of the principal Act (which relate to the classes of business which may be transacted at meetings of local legislative councils) shall cease to apply to a governor's legislative council, but the business and procedure in any such council shall be regulated in accordance with the provisions of this section.

(2) The estimated annual expenditure and revenue of the province shall be laid in the form of a statement before the council in each year, and the proposals of the local government for the appropriation of provincial revenues and other moneys in any year shall be submitted to the vote of the council in the form of demands for grants. The council may assent, or refuse its assent, to a demand, or may reduce the amount therein referred to either by a reduction of the whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed:

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(c) affecting the discipline or maintenance of any part of His Majesty's naval, military, or air forces; or

(d) affecting the relations of the government with foreign princes or states; or

(e) regulating any central subject; or

(f) regulating any provincial subject which has been declared by rules under the principal Act to be, either in whole or in part, subject to legislation by the Indian Legislature, in respect of any matter to which such declaration applies; or

(g) affecting any power expressly reserved to the Governor General in Council by any Law for the time being in force; or

(h) altering or repealing the provisions of any law which, having been made before the commencement of this Act by any authority in British India other than that local legislature, is declared by rules under the principal Act to be a law which cannot be repealed or altered by the local legislature without previous sanction; or

(i) altering or repealing any provision of an Act of the Indian Legislature made after the commencement of this Act, which by the provisions of that Act may not be repealed or altered by the local legislature without previous sanction:

Provided that an Act or a provision of an Act made by a local legislature, and subsequently assented to by the Governor General in pursuance of this Act, shall not be deemed invalid by reason only of its requiring the previous sanction of the Governor General under this Act.

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Provided that

(*a*) the local government shall have power, in relation to any such demand, to act as if it had been assented to, notwithstanding the withholding of such assent or the reduction of the amount therein referred to, if the demand relates to a reserved subject, and the governor certifies that the expenditure provided for by the demand is essential to the discharge of his responsibility for the subject; and

(*b*) the governor shall have power in cases of emergency to authorise such expenditure as may be in his opinion necessary for the safety or tranquillity of the province, or for the carrying on of any department; and

(*c*) no proposal for the appropriation of any such revenues or other moneys for any purpose shall be made except on the recommendation of the governor, communicated to the council.

(3) Nothing in the foregoing subsection shall require proposals to be submitted to the council relating to the following heads of expenditure:

(i) contributions payable by the local government to the Governor-General in Council; and

(ii) interest and sinking fund charges on loans; and

(iii) expenditure of which the amount is prescribed by or under any law; and

(iv) salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council; and

(v) salaries of judges of the high court of the province and of the advocate-general.

If any question arises whether any proposed appropriation of moneys does or does not relate to the above heads of expenditure, the decision of the governor shall be final.

(4) Where any Bill has been introduced or is proposed to be introduced, or any amendment to a Bill is moved or proposed to be moved, the governor may certify that the Bill or any clause of it or the amendment affects the safety or tranquillity of his province or any part of it or of another province, and may direct that no proceedings or no further proceedings shall be taken by the council in relation to the Bill, clause or amendment, and effect shall be given to any such direction.

(5) Provision may be made by rules under the principal Act for the purpose of carrying into effect the foregoing provisions of this section and for regulating the course of business in the council, and as to the persons to preside over meetings thereof in the absence of the president and deputy-president, and the preservation of order at meetings; and the rules may provide for the number of members required to constitute a quorum, and for prohibiting or regulating

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the asking of questions on and the discussion of any subject specified in the rules.

(6) Standing orders may be made providing for the conduct of business and the procedure to be followed in the council, in so far as these matters are not provided for by rules made under the principal Act. The first standing orders shall be made by the governor in council, but may, subject to the assent of the governor, be altered by the local legislatures. Any standing order made as aforesaid which is repugnant to the provisions of any rules made under the principal Act, shall, to the extent of that repugnancy but not otherwise, be void.

(7) Subject to the rules and standing orders affecting the council, there shall be freedom of speech in the governors' legislative councils. No person shall be liable to any proceedings in any court by reason of his speech or vote in any such council, or by reason of anything contained in any official report of the proceedings of any such council.

Return and reservation of Bills.

12.—(1) Where a Bill has been passed by a local legislative council, the governor, lieutenant-governor or chief commissioner may, instead of declaring that he assents to or withholds his assent from the Bill, return the Bill to the council for reconsideration, either in whole or in part, together with any amendments which he may recommend, or, in cases prescribed by rules under the principal Act may, and if the rules so require shall, reserve the Bill for the consideration of the Governor-General.

(2) Where a Bill is reserved for the consideration of the Governor-General, the following provisions shall apply :

(*a*) The governor, lieutenant-governor or chief commissioner may, at any time within six months from the date of the reservation of the Bill, with the consent of the Governor-General, return the Bill for further consideration by the council with a recommendation that the council shall consider amendments thereto :

(*b*) After any Bill so returned has been further considered by the council, together with any recommendations made by the governor, lieutenant-governor or chief commissioner relating thereto, the Bill, if re-affirmed with or without amendment, may be again presented to the governor, lieutenant-governor, or chief commissioner :

(*c*) Any Bill reserved for the consideration of the Governor-General shall, if assented to by the Governor-General within a period of six months from the date of such reservation, become law on due publication of such assent, in the same way as a Bill assented to by the governor, lieutenant-governor or chief commissioner, but, if not assented to by the Governor-General within

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(*c*) Any Bill reserved for the consideration of the Governor-General shall, if assented to by the Governor-General within a period of six months from the date of such reservation, become law on due publication of such assent, in the same way as a Bill assented to by the governor, lieutenant-governor or chief commissioner, but, if not assented to by the Governor-General within

such period of six months, shall lapse and be of no effect unless before the expiration of that period either—

(i) the Bill has been returned by the governor, lieutenant-governor or chief commissioner, for further consideration by the council; or

(ii) in the case of the council not being in session, a notification has been published of an intention so to return the Bill at the commencement of the next session.

(3) The Governor-General may (except where the Bill has been reserved for his consideration), instead of assenting to or withholding his assent from any Act passed by a local legislature, declare that he reserves the Act for the signification of His Majesty's pleasure thereon, and in such case the Act shall not have validity until His Majesty in Council has signified his assent and his assent has been notified by the Governor-General.

Provision for case of failure to pass legislation in governors' legislative councils.

13.—(1) Where a governor's legislative council has refused leave to introduce, or has failed to pass in a form recommended by the governor, any Bill relating to a reserved subject, the governor may certify that the passage of the Bill is essential for the discharge of his responsibility for the subject, and thereupon the Bill shall, notwithstanding that the council have not consented thereto, be deemed to have passed, and shall, on signature by the governor, become an Act of the local legislature in the form of the Bill as originally introduced or proposed to be introduced in the council or (as the case may be) in the form recommended to the council by the governor.

(2) Every such Act shall be expressed to be made by the governor, and the governor shall forthwith send an authentic copy thereof to the Governor-General, who shall reserve the Act for the signification of His Majesty's pleasure, and upon the signification of such assent by His Majesty in Council, and the notification thereof by the Governor-General, the Act shall have the same force and effect as an Act passed by the local legislature and duly assented to:

Provided that, where in the opinion of the Governor-General a state of emergency exists which justifies such action, he may, instead of reserving such Act, signify his assent thereto, and thereupon the Act shall have such force and effect as aforesaid, subject, however, to disallowance by His Majesty in Council.

(3) An Act made under this section shall, as soon as practicable after being made, be laid before each House of Parliament, and an Act which is required to be presented for His Majesty's assent shall not be so presented until copies thereof have been laid before each House of Parliament for not less than eight days on which that House has sat.

Vacation of seats in local

14. An official shall not be qualified for election as a member of a local legislative council, and, if any non-official member of a local legislative council, whether elected or nominated, accepts any

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office in the service of the Crown in India, his seat on the council shall become vacant :

Provided that for the purposes of this provision a minister shall not be deemed to be an official and a person shall not be disqualified to accept office on appointment as a minister.

legislative councils.

Constitution of new provinces, &c., and provision as to backward tracts.

15. (1) The Governor General in Council may, after obtaining an expression of opinion from the local government and the local legislature affected, by notification, with the sanction of His Majesty previously signified by the Secretary of State in Council, constitute a new governor's province, or place part of a governor's province under the administration of a deputy governor to be appointed by the Governor General, and may in any such case apply, with such modifications as appear necessary or desirable, all or any of the provisions of the principal Act or this Act relating to governors' provinces, or provinces under a lieutenant governor or chief commissioner, to any such new province or part of a province.

(2) The Governor General in Council may declare any territory in British India to be a "backward tract," and may, by notification, with such sanction as aforesaid, direct that the principal Act and this Act shall apply to that territory subject to such exceptions and modifications as may be prescribed in the notification. Where the Governor General in Council has, by notification, directed as aforesaid, he may, by the same or subsequent notification, direct that any Act of the Indian Legislature shall not apply to the territory in question or any part thereof, or shall apply to the territory or any part thereof subject to such exceptions or modifications as the Governor General thinks fit, or may authorise the governor in council to give similar directions as respects any Act of the local legislature.

Saving.

16. (1) The validity of any order made or action taken after the commencement of this Act by the Governor General in Council or by a local government which would have been within the powers of the Governor General in Council or of such local government if this Act had not been passed, shall not be open to question in any legal proceedings on the ground that by reason of any provision of this Act or of any rule made by virtue of any such provision such order or action has ceased to be within the powers of the Governor General in Council or of the government concerned.

(2) Nothing in this Act, or in any rule made thereunder, shall be construed as diminishing in any respect the powers of the Indian legislature as laid down in section sixty-five of the principal Act, and the validity of any Act of the Indian legislature or any local legislature shall not be open to question in any legal proceedings on the ground that the Act affects a provincial subject or a central subject, as the case may be, and the validity of any Act made by the governor of a province shall not be so open to question on the ground that it does not relate to a reserved subject.

(3) The validity of any order made or action taken by a governor

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Saving.

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(2) Nothing in this Act, or in any rule made thereunder, shall be construed as diminishing in any respect the powers of the Indian legislature as laid down in section sixty-five of the principal Act, and the validity of any Act of the Indian legislature or any local legislature shall not be open to question in any legal proceedings on the ground that the Act affects a provincial subject or a central subject, as the case may be, and the validity of any Act made by the governor of a province shall not be so open to question on the ground that it does not relate to a reserved subject.

(3) The validity of any order made or action taken by a governor

in council, or by a governor acting with his ministers, shall not be open to question in any legal proceedings on the ground that such order or action relates or does not relate to a transferred subject, or relates to a transferred subject of which the minister is not in charge. A.D. 1919.

PART II.

GOVERNMENT OF INDIA.

Indian legislature.

17. Subject to the provisions of this Act, the Indian legislature shall consist of the Governor-General and two chambers, namely, the Council of State and the Legislative Assembly.

Except as otherwise provided by or under this Act, a Bill shall not be deemed to have been passed by the Indian legislature unless it has been agreed to by both chambers, either without amendment or with such amendments only as may be agreed to by both chambers.

Council of State.

18. (1) The Council of State shall consist of not more than sixty members nominated or elected in accordance with rules made under the principal Act, of whom not more than twenty shall be official members.

(2) The Governor-General shall have power to appoint, from among the members of the Council of State, a president and other persons to preside in such circumstances as he may direct.

(3) The Governor-General shall have the right of addressing the Council of State, and may for that purpose require the attendance of its members.

Legislative Assembly.

19. (1) The Legislative Assembly shall consist of members nominated or elected in accordance with rules made under the principal Act.

(2) The total number of members of the Legislative Assembly shall be one hundred and forty. The number of non-elected members shall be forty, of whom twenty-six shall be official members. The number of elected members shall be one hundred:

Provided that rules made under the principal Act may provide for increasing the number of members of the Legislative Assembly as fixed by this section, and may vary the proportion which the classes of members bear one to another, so, however, that at least five-sevenths of the members of the Legislative Assembly shall be elected members, and at least one-third of the other members shall be non-official members.

(3) The Governor-General shall have the right of addressing the Legislative Assembly, and may for that purpose require the attendance of its members.

President of Legislative Assembly.

20. (1) There shall be a president of the Legislative Assembly, who shall, until the expiration of four years from the first meeting thereof, be a person appointed by the Governor-General, and shall

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President of Legislative Assembly.

20. (1) There shall be a president of the Legislative Assembly, who shall, until the expiration of four years from the first meeting thereof, be a person appointed by the Governor-General, and shall

A.D. 1919. thereafter be a member of the Assembly elected by the Assembly and approved by the Governor-General:

Provided that, if at the expiration of such period of four years the Assembly is in session, the president then in office shall continue in office until the end of the current session, and the first election of a president shall take place at the commencement of the ensuing session.

(2) There shall be a deputy-president of the Legislative Assembly, who shall preside at meetings of the Assembly in the absence of the president, and who shall be a member of the Assembly elected by the Assembly and approved by the Governor-General.

(3) The appointed president shall hold office until the date of the election of a president under this section, but he may resign his office by writing under his hand addressed to the Governor-General, or may be removed from office by order of the Governor-General, and any vacancy occurring before the expiration of his term of office shall be filled by a similar appointment for the remainder of such term.

(4) An elected president and a deputy-president shall cease to hold office if they cease to be members of the Assembly. They may resign office by writing under their hands addressed to the Governor-General, and may be removed from office by a vote of the Assembly with the concurrence of the Governor-General.

(5) A president and deputy-president shall receive such salaries as may be determined, in the case of an appointed president by the Governor-General, and in the case of an elected president and a deputy-president by Act of the Indian legislature.

Duration and sessions of Legislative Assembly and Council of State.

21.—(1) Every Council of State shall continue for five years, and every Legislative Assembly for three years, from its first meeting:

Provided that—

(*a*) either chamber of the legislature may be sooner dissolved by the Governor-General; and

(*b*) any such period may be extended by the Governor-General if in special circumstances he so thinks fit; and

(*c*) after the dissolution of either chamber the Governor-General shall appoint a date not more than six months, or, with the sanction of the Secretary of State, not more than nine months after the date of dissolution for the next session of that chamber.

(2) The Governor-General may appoint such times and places for holding the sessions of either chamber of the Indian legislature as he thinks fit, and may also from time to time, by notification or otherwise, prorogue such sessions.

(3) Any meeting of either chamber of the Indian legislature may be adjourned by the person presiding.

(4) All questions in either chamber shall be determined by a majority of votes of members present other than the presiding member,

A.D. 1919. thereafter be a member of the Assembly elected by the Assembly and approved by the Governor-General:

Provided that, if at the expiration of such period of four years the Assembly is in session, the president then in office shall continue in office until the end of the current session, and the first election of a president shall take place at the commencement of the ensuing session.

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who shall, however, have and exercise a casting vote in the case of an equality of votes.

(6) The powers of either chamber of the Indian legislature may be exercised notwithstanding any vacancy in the chamber.

Membership of both chambers.

22. (1) An official shall not be qualified for election as a member of either chamber of the Indian legislature, and, if any non-official member of either chamber accepts office in the service of the Crown in India, his seat in that chamber shall become vacant.

(2) If an elected member of either chamber of the Indian legislature becomes a member of the other chamber, his seat in such first-mentioned chamber shall thereupon become vacant.

(3) If any person is elected a member of both chambers of the Indian legislature, he shall, before he takes his seat in either chamber, signify in writing the chamber of which he desires to be a member, and thereupon his seat in the other chamber shall become vacant.

(4) Every member of the Governor-General's Executive Council shall be nominated as a member of one chamber of the Indian legislature, and shall have the right of attending in and addressing the other chamber, but shall not be a member of both chambers.

Supplementary provisions as to composition of Legislative Assembly and Council of State.

23. (1) Subject to the provisions of this Act, provision may be made by rules under the principal Act as to—

(*a*) the term of office of nominated members of the Council of State and the Legislative Assembly, and the manner of filling casual vacancies occurring by reason of absence of members from India, inability to attend to duty, death, acceptance of office, or resignation duly accepted, or otherwise; and

(*b*) the conditions under which and the manner in which persons may be nominated as members of the Council of State or the Legislative Assembly; and

(*c*) the qualification of electors, the constitution of constituencies, and the method of election for the Council of State and the Legislative Assembly (including the number of members to be elected by communal and other electorates) and any matters incidental or ancillary thereto; and

(*d*) the qualifications for being or for being nominated or elected as members of the Council of State or the Legislative Assembly; and

(*e*) the final decision of doubts or disputes as to the validity of an election; and

(*f*) the manner in which the rules are to be carried into effect.

(2) Subject to any such rules, any person who is a ruler or subject of any state in India may be nominated as a member of the Council of State or the Legislative Assembly.

Business proceedings in Indian legislature

24. (1) Subsections (1) and (3) of section sixty-seven of the principal Act (which relate to the classes of business which may be transacted by the Indian legislative council) shall cease to have effect.

A.D. 1919.

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(*c*) the qualification of electors, the constitution of constituencies, and the method of election for the Council of State and the Legislative Assembly (including the number of members to be elected by communal and other electorates) and any matters incidental or ancillary thereto; and

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Business proceedings in Indian legislature

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9, 1919. (2) Provision may be made by rules under the principal Act for regulating the course of business and the preservation of order in the chamber of the Indian legislature, and as to the persons to preside at the meetings of the legislative assembly in the absence of the president and the deputy president, and the rules may provide for the number of members required to constitute a quorum, and for prohibiting or regulating the asking of questions and the discussion of any subject specified in the rules.

(3) If any Bill which has been passed by one chamber is not, within six months after the passage of the Bill by that chamber, passed by the other chamber either without amendment or with such amendments as may be agreed to by the two chambers, the Governor General may in his discretion refer the matter for decision to a joint sitting of both chambers: Provided that standing orders made under this section may provide for meetings of members of both chambers appointed for the purpose in order to discuss any difference of opinion which has arisen between the two chambers.

(4) Without prejudice to the powers of the Governor General under section sixty-eight of the principal Act, the Governor General may, where a Bill has been passed by both chambers of the Indian legislature, return the Bill for reconsideration by either chamber.

(5) Rules made for the purpose of this section may contain such general and supplemental provisions as appear necessary for the purpose of giving full effect to this section.

(6) Standing orders may be made providing for the conduct of business and the procedure to be followed in either chamber of the Indian legislature in so far as these matters are not provided for by rules made under the principal Act. The first standing orders shall be made by the Governor General in Council, but may, with the consent of the Governor General, be altered by the chamber to which they relate.

Any standing order made as aforesaid which is repugnant to the provisions of any rules made under the principal Act shall, to the extent of that repugnancy but not otherwise, be void.

(7) Subject to the rules and standing orders affecting the chamber, there shall be freedom of speech in both chambers of the Indian legislature. No person shall be liable to any proceedings in any court by reason of his speech or vote in either chamber, or by reason of anything contained in any official report of the proceedings of either chamber.

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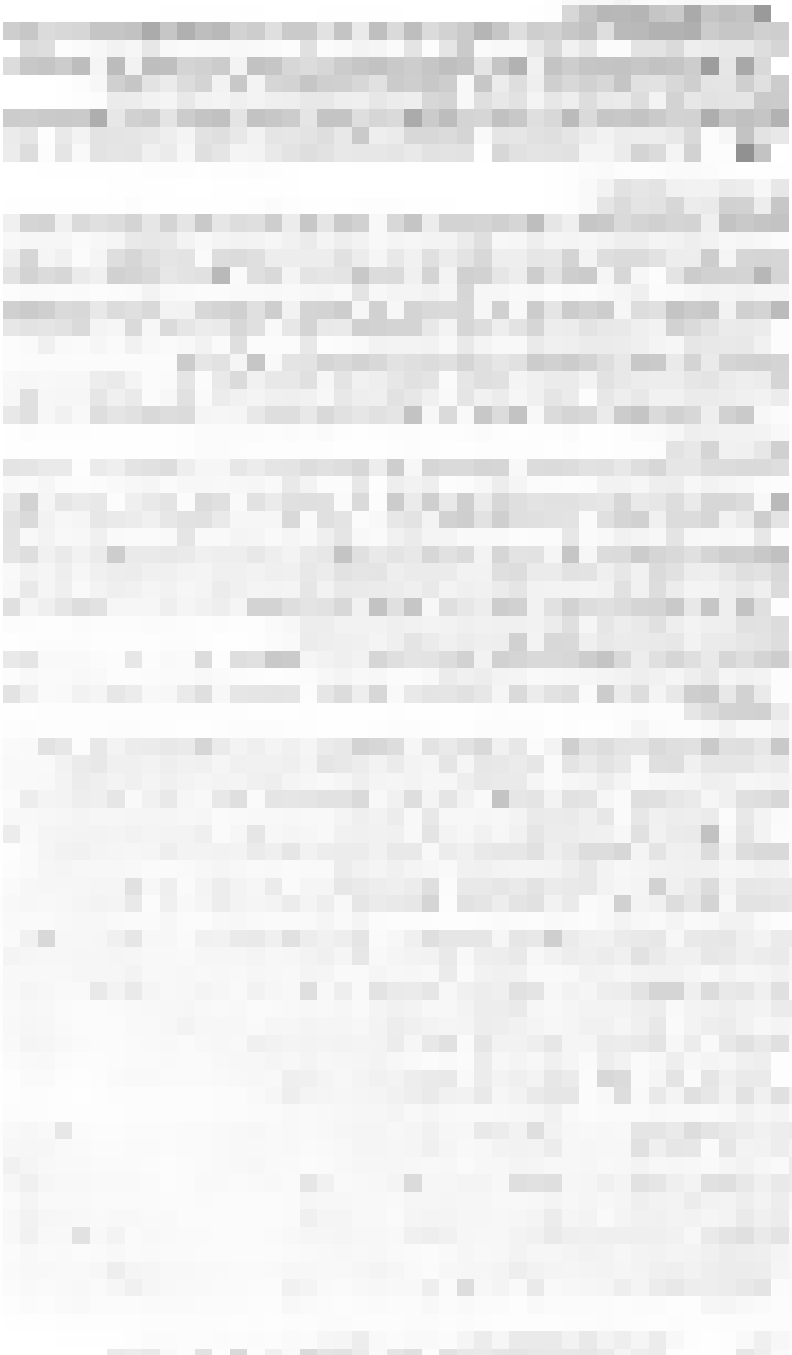
25. (1) The estimated annual expenditure and revenue of the Governor General in Council shall be laid in the form of a statement before both chambers of the Indian legislature in each year.

(2) No proposal for the appropriation of any revenue or moneys for any purpose shall be made except on the recommendation of the Governor-General.



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(2) No proposal for the appropriation of any revenue or moneys for any purpose shall be made except on the recommendation of the Governor-General.

(3) The proposals of the Governor-General in Council for the appropriation of revenue or moneys relating to the following heads of expenditure shall not be submitted to the vote of the legislative assembly, nor shall they be open to discussion by either chamber at the time when the annual statement is under consideration, unless the Governor-General otherwise directs—

(i) interest and sinking fund charges on loans; and

(ii) expenditure of which the amount is prescribed by or under any law; and

(iii) salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council; and

(iv) salaries of chief commissioners and judicial commissioners; and

(v) expenditure classified by the order of the Governor-General in Council as

(*a*) ecclesiastical;

(*b*) political;

(*c*) defence.

(4) If any question arises whether any proposed appropriation of revenue or moneys does or does not relate to the above heads, the decision of the Governor-General on the question shall be final.

(5) The proposals of the Governor-General in Council for the appropriation of revenue or moneys relating to heads of expenditure not specified in the above heads shall be submitted to the vote of the legislative assembly in the form of demands for grants.

(6) The legislative assembly may assent or refuse its assent to any demand or may reduce the amount referred to in any demand by a reduction of the whole grant.

(7) The demands as voted by the legislative assembly shall be submitted to the Governor-General in Council, who shall, if he declares that he is satisfied that any demand which has been refused by the legislative assembly is essential to the discharge of his responsibilities, act as if it had been assented to, notwithstanding the withholding of such assent, or the reduction of the amount therein referred to, by the legislative assembly.

(8) Notwithstanding anything in this section, the Governor-General shall have power, in cases of emergency, to authorise such expenditure as may, in his opinion, be necessary for the safety or tranquillity of British India or any part thereof.

Provision for case of failure to pass legislation.

26. (1) Where either chamber of the Indian legislature refuses leave to introduce, or fails to pass in a form recommended by the Governor-General, any Bill, the Governor-General may certify that the passage of the Bill is essential for the safety, tranquillity or interests of British India or any part thereof, and thereupon—

(*a*) If the Bill has already been passed by the other chamber, the Bill shall, on signature by the Governor-General,

A.D. 1919.

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(*a*) If the Bill has already been passed by the other chamber, the Bill shall, on signature by the Governor-General,

A.D.1919.

notwithstanding that it has not been consented to by both chambers, forthwith become an Act of the Indian legislature in the form of the Bill as originally introduced or proposed to be introduced in the Indian legislature, or (as the case may be) in the form recommended by the Governor-General; and

(*b*) If the Bill has not already been so passed, the Bill shall be laid before the other chamber, and, if consented to by that chamber in the form recommended by the Governor-General, shall become an Act as aforesaid on the signification of the Governor-General's assent, or, if not so consented to, shall, on signature by the Governor-General, become an Act as aforesaid.

(2) Every such Act shall be expressed to be made by the Governor-General, and shall, as soon as practicable after being made, be laid before both Houses of Parliament, and shall not have effect until it has received His Majesty's assent, and shall not be presented for His Majesty's assent until copies thereof have been laid before each House of Parliament for not less than eight days on which that House has sat; and upon the signification of such assent by His Majesty in Council, and the notification thereof by the Governor-General, the Act shall have the same force and effect as an Act passed by the Indian legislature and duly assented to:

Provided that, where in the opinion of the Governor-General a state of emergency exists which justifies such action, the Governor-General may direct that any such Act shall come into operation forthwith, and thereupon the Act shall have such force and effect as aforesaid, subject, however, to disallowance by His Majesty in Council.

Supplemental provisions as to powers of Indian legislature.

27.—(1) In addition to the measures referred to in subsection (2) of section sixty-seven of the principal Act, as requiring the previous sanction of the Governor-General, it shall not be lawful without such previous sanction to introduce at any meeting of either chamber of the Indian legislature any measure—

(*a*) regulating any provincial subject, or any part of a provincial subject, which has not been declared by rules under the principal Act to be subject to legislation by the Indian legislature; or

(*b*) repealing or amending any Act of a local legislature; or

(*c*) repealing or amending any Act or ordinance made by the Governor-General.

(2) Where in either chamber of the Indian legislature any Bill has been introduced, or is proposed to be introduced, or any amendment to a Bill is moved, or proposed to be moved, the Governor-General may certify that the Bill, or any clause of it, or the amendment, affects the safety or tranquillity of British India, or any part thereof, and may direct that no proceedings, or that no further proceedings,

A.D.1919.

notwithstanding that it has not been consented to by both chambers, forthwith become an Act of the Indian legislature in the form of the Bill as originally introduced or proposed to be introduced in the Indian legislature, or (as the case may be) in the form recommended by the Governor-General; and

(*b*) If the Bill has not already been so passed, the Bill shall be laid before the other chamber, and, if consented to by that chamber in the form recommended by the Governor-General, shall become an Act as aforesaid on the signification of the Governor-General's assent, or, if not so consented to, shall, on signature by the Governor-General, become an Act as aforesaid.

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shall be taken by the chamber in relation to the Bill, clause, or amendment, and effect shall be given to such direction. A.D. 1919.

Composition of Governor-General's executive council.

28. (1) The provision in section thirty-six of the principal Act, imposing a limit on the number of members of the Governor-General's executive council, shall cease to have effect.

(2) The provision in section thirty-six of the principal Act as to the qualification of members of the council shall have effect as though the words 'at the time of their appointment' were omitted, and as though after the word 'Scotland' there were inserted the words 'or a pleader of the High Court' and as though 'ten years' were substituted for 'five years'.

(3) Provision may be made by rules under the principal Act as to the qualifications to be required in respect of members of the Governor-General's executive council, in any case where such provision is not made by section thirty-six of the principal Act as amended by this section.

(4) Subsection (2) of section thirty-seven of the principal Act (which provides that when and so long as the Governor-General's executive council assembles in a province having a governor the governor shall be an extraordinary member of the council) shall cease to have effect.

Appointment of council secretaries.

29. (1) The Governor-General may at his discretion appoint, from among the members of the legislative assembly, council secretaries, who shall hold office during his pleasure and discharge such duties in assisting the members of his executive council as he may assign to them.

(2) There shall be paid to council secretaries so appointed such salary as may be provided by the Indian legislature.

(3) A council secretary shall cease to hold office if he ceases for more than six months to be a member of the legislative assembly.

PART III.

SECRETARY OF STATE IN COUNCIL.

Payment of salary of Secretary of State, &c., out of moneys provided by Parliament.

30. The salary of the Secretary of State, the salaries of his under secretaries, and any other expenses of his department may, notwithstanding anything in the principal Act, instead of being paid out of the revenues of India, be paid out of moneys provided by Parliament, and the salary of the Secretary of State shall be so paid.

Council of India.

31. The following amendments shall be made in section three of the principal Act in relation to the composition of the Council of India, the qualification, term of office, and remuneration of its members:

(1) The provisions of subsection (1) shall have effect as though "eight" and "twelve" were substituted for "ten" and "fourteen" respectively, as the minimum and maximum number of members, provided that the council, as constituted

shall be taken by the chamber in relation to the Bill, clause, or amendment, and effect shall be given to such direction. A.D. 1919.

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28. (1) The provision in section thirty-six of the principal Act, imposing a limit on the number of members of the Governor-General's executive council, shall cease to have effect.

(2) The provision in section thirty-six of the principal Act as to the qualification of members of the council shall have effect as though the words "at the time of their appointment" were omitted, and as though after the word "Scotland" there were inserted the words "or a pleader of the High Court" and as though "ten years" were substituted for "five years".

(3) Provision may be made by rules under the principal Act as to the qualifications to be required in respect of members of the Governor-General's executive council, in any case where such provision is not made by section thirty-six of the principal Act as amended by this section.

(4) Subsection (2) of section thirty-seven of the principal Act (which provides that when and so long as the Governor-General's executive council assembles in a province having a governor the governor shall be an extraordinary member of the council) shall cease to have effect.

Appointment of council secretaries.

29. (1) The Governor-General may at his discretion appoint, from among the members of the legislative assembly, council secretaries, who shall hold office during his pleasure and discharge such duties in assisting the members of his executive council as he may assign to them.

(2) There shall be paid to council secretaries so appointed such salary as may be provided by the Indian legislature.

(3) A council secretary shall cease to hold office if he ceases for more than six months to be a member of the legislative assembly.

PART III.

SECRETARY OF STATE IN COUNCIL.

Payment of salary of Secretary of State, &c., out of moneys provided by Parliament.

30. The salary of the Secretary of State, the salaries of his under secretaries, and any other expenses of his department may, notwithstanding anything in the principal Act, instead of being paid out of the revenues of India, be paid out of moneys provided by Parliament, and the salary of the Secretary of State shall be so paid.

Council of India.

31. The following amendments shall be made in section three of the principal Act in relation to the composition of the Council of India, the qualification, term of office, and remuneration of its members:

(1) The provisions of subsection (1) shall have effect as though "eight" and "twelve" were substituted for "ten" and "fourteen" respectively, as the minimum and maximum number of members, provided that the council, as constituted

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at the time of the passing of this Act, shall not be affected by this provision, but no fresh appointment or re-appointment thereto shall be made in excess of the maximum prescribed by this provision.

(2) The provisions of subsection (3) shall have effect as if "one-half" were substituted for "nine" and "India" were substituted for "British India."

(3) In subsection (4) "five years" shall be substituted for "seven years" as the term of office of members of the council, provided that the tenure of office of any person who is a member of the council at the time of the passing of this Act shall not be affected by this provision.

(4) The provisions of subsection (8) shall cease to have effect and in lieu thereof the following provisions shall be inserted :

"There shall be paid to each member of the Council of India the annual salary of twelve hundred pounds ; provided that any member of the council who was at the time of his appointment domiciled in India shall receive, in addition to the salary hereby provided, an annual subsistence allowance of six hundred pounds.

"Such salaries and allowances may be paid out of the revenues of India or out of moneys provided by Parliament."

(5) Notwithstanding anything in any Act or rules, where any person in the service of the Crown in India is appointed a member of the council before completion of the period of such service required to entitle him to a pension or annuity, his service as such member shall, for the purpose of any pension or annuity which would be payable to him on completion of such period, be reckoned as service under the Crown in India whilst resident in India.

Further provisions as to Council of India.

32.—(1) The provision in section six of the principal Act which prescribes the quorum for meetings of the Council of India shall cease to have effect, and the Secretary of State shall provide for a quorum by directions to be issued in this behalf.

(2) The provision in section eight of the principal Act relating to meetings of the Council of India shall have effect as though "month" were substituted for "week."

(3) Section ten of the principal Act shall have effect as though the words "all business of the council or committees thereof is to "be transacted" were omitted, and the words "the business of the "Secretary of State in Council or the Council of India shall be "transacted, and any order made or act done in accordance with "such direction shall, subject to the provisions of this Act, be "treated as being an order of the Secretary of State in Council" were inserted in lieu thereof.

Relaxation of control of

33. The Secretary of State in Council may, notwithstanding anything in the principal Act, by rule regulate and restrict the

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at the time of the passing of this Act, shall not be affected by this provision, but no fresh appointment or re-appointment thereto shall be made in excess of the maximum prescribed by this provision.

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33. The Secretary of State in Council may, notwithstanding anything in the principal Act, by rule regulate and restrict the

exercise of the powers of superintendence, direction, and control, vested in the Secretary of State and the Secretary of State in Council, by the principal Act, or otherwise, in such manner as may appear necessary or expedient in order to give effect to the purposes of this Act. Secretary of State.

Before any rules are made under this section relating to subjects other than transferred subjects, the rules proposed to be made shall be laid in draft before both Houses of Parliament, and such rules shall not be made unless both Houses by resolution approve the draft either without modification or addition, or with modifications or additions to which both Houses agree, but upon such approval being given the Secretary of State in Council may make such rules in the form in which they have been approved, and such rules on being so made shall be of full force and effect.

Any rules relating to transferred subjects made under this section shall be laid before both Houses of Parliament as soon as may be after they are made, and, if an Address is presented to His Majesty by either House of Parliament within the next thirty days on which that House has sat after the rules are laid before it praying that the rules or any of them may be annulled, His Majesty in Council may annul the rules or any of them, and those rules shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

Correspondence between Secretary of State and India.

34. So much of section five of the principal Act as relates to orders and communications sent to India from the United Kingdom and to orders made in the United Kingdom, and sections eleven, twelve, thirteen, and fourteen of the principal Act, shall cease to have effect, and the procedure for the sending of orders and communications to India and in general for correspondence between the Secretary of State and the Governor-General in Council or any local government shall be such as may be prescribed by order of the Secretary of State in Council.

High Commissioner for India.

35. His Majesty may by Order in Council make provision for the appointment of a High Commissioner for India in the United Kingdom, and for the pay, pension, powers, duties, and conditions of employment of the High Commissioner and of his assistants; and the Order may further provide for delegating to the High Commissioner any of the powers previously exercised by the Secretary of State or the Secretary of State in Council, whether under the principal Act or otherwise, in relation to making contracts, and may prescribe the conditions under which he shall act on behalf of the Governor General in Council or any local government.

PART IV.

THE CIVIL SERVICES IN INDIA.

The civil services in India.

36. (1) Subject to the provisions of the principal Act and of rules made thereunder, every person in the civil service of the Crown

exercise of the powers of superintendence, direction, and control, vested in the Secretary of State and the Secretary of State in Council, by the principal Act, or otherwise, in such manner as may appear necessary or expedient in order to give effect to the purposes of this Act. Secretary of State.

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PART IV.

THE CIVIL SERVICES IN INDIA.

36. (1) Subject to the provisions of the principal Act and of rules made thereunder, every person in the civil service of the Crown The civil services in India.

A.D. 1919. in India holds office during His Majesty's pleasure, and may be employed in any manner required by a proper authority within the scope of his duty, but no person in that service may be dismissed by any authority subordinate to that by which he was appointed, and the Secretary of State in Council may (except so far as he may provide by rules to the contrary) reinstate any person in that service who has been dismissed.

If any such person appointed by the Secretary of State in Council thinks himself wronged by an order of an official superior in a governor's province, and on due application made to that superior does not receive the redress to which he may consider himself entitled, he may, without prejudice to any other right of redress, complain to the governor of the province in order to obtain justice, and the governor is hereby directed to examine such complaint and require such action to be taken thereon as may appear to him to be just and equitable.

(2) The Secretary of State in Council may make rules for regulating the classification of the civil services in India, the methods of their recruitment, their conditions of service, pay and allowances, and discipline and conduct. Such rules may, to such extent and in respect of such matters as may be prescribed, delegate the power of making rules to the Governor-General in Council or to local governments, or authorise the Indian legislature or local legislatures to make laws regulating the public services:

Provided that every person appointed before the commencement of this Act by the Secretary of State in Council to the civil service of the Crown in India shall retain all his existing or accruing rights, or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable.

(3) The right to pensions and the scale and conditions of pensions of all persons in the civil service of the Crown in India appointed by the Secretary of State in Council shall be regulated in accordance with the rules in force at the time of the passing of this Act. Any such rules may be varied or added to by the Secretary of State in Council and shall have effect as so varied or added to, but any such variation or addition shall not adversely affect the pension of any member of the service appointed before the date thereof.

Nothing in this section or in any rule thereunder shall prejudice the rights to which any person may, or may have, become entitled under the provisions in relation to pensions contained in the East India Annuity Funds Act, 1874.

37 & 38 Vict. c. 12.

(4) For the removal of doubts, it is hereby declared that all rules or other provisions in operation at the time of the passing of this Act, whether made by the Secretary of State in Council or by any other authority, relating to the civil service of the Crown in India, were duly made in accordance with the powers in that behalf, and are confirmed, but any such rules or provisions may be revoked, varied, or added to by rules or laws made under this section.

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A.D. 1919.

Appointments to the Indian Civil Service.

37. (1) Notwithstanding anything in section ninety-seven of the principal Act, the Secretary of State may make appointments to the Indian Civil Service of persons domiciled in India, in accordance with such rules as may be prescribed by the Secretary of State in Council with the concurrence of the majority of votes at a meeting of the Council of India.

Any rules made under this section shall not have force until they have been laid for thirty days before both Houses of Parliament.

5 & 6 Geo. 5. c. 87.

(2) The Indian Civil Service (Temporary Provisions) Act, 1915 (which confers power during the war and for a period of two years thereafter to make appointments to the Indian Civil Service without examination), shall have effect as though "three years" were substituted for "two years."

Public service commission.

38. (1) There shall be established in India a public service commission, consisting of not more than five members, of whom one shall be chairman, appointed by the Secretary of State in Council. Each member shall hold office for five years, and may be re-appointed. No member shall be removed before the expiry of his term of office, except by order of the Secretary of State in Council. The qualifications for appointment, and the pay and pension (if any) attaching to the office of chairman and member, shall be prescribed by rules made by the Secretary of State in Council.

(2) The public service commission shall discharge, in regard to recruitment and control of the public services in India, such functions as may be assigned thereto by rules made by the Secretary of State in Council.

Financial control.

39. (1) An auditor-general in India shall be appointed by the Secretary of State in Council, and shall hold office during His Majesty's pleasure. The Secretary of State in Council shall, by rules, make provision for his pay, powers, duties, and conditions of employment, or for the discharge of his duties in the case of a temporary vacancy or absence from duty.

(2) Subject to any rules made by the Secretary of State in Council, no office may be added to or withdrawn from the public service, and the emoluments of no post may be varied, except after consultation with such finance authority as may be designated in the rules, being an authority of the province or of the Government of India, according as the post is or is not under the control of a local government.

Rules under Part IV.

40. Rules made under this Part of this Act shall not be made except with the concurrence of the majority of votes at a meeting of the Council of India.

PART V.

STATUTORY COMMISSION.

Statutory commission.

41. (1) At the expiration of ten years after the passing of this Act the Secretary of State, with the concurrence of both Houses of

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Parliament, shall submit for the approval of His Majesty the names of persons to act as a commission for the purposes of this section.

(2) The persons whose names are so submitted, if approved by His Majesty, shall be a commission for the purpose of inquiring into the working of the system of government, the growth of education, and the development of representative institutions, in British India, and matters connected therewith, and the commission shall report as to whether and to what extent it is desirable to establish the principle of responsible government, or to extend, modify, or restrict the degree of responsible government then existing therein, including the question whether the establishment of second chambers of the local legislatures is or is not desirable.

(3) The commission shall also inquire into and report on any other matter affecting British India and the provinces, which may be referred to the commission by His Majesty.

PART VI.

GENERAL.

Modification of s. 124 of principal Act.

42. Notwithstanding anything in section one hundred and twenty-four of the principal Act, if any member of the Governor-General's Executive Council or any member of any local government was at the time of his appointment concerned or engaged in any trade or business, he may, during the term of his office, with the sanction in writing of the Governor-General, or, in the case of ministers, of the governor of the province, and in any case subject to such general conditions and restrictions as the Governor-General in Council may prescribe, retain his concern or interest in that trade or business, but shall not, during that term, take part in the direction or management of that trade or business.

Signification of Royal Assent.

43. Any assent or disallowance by His Majesty, which under the principal Act is required to be signified through the Secretary of State in Council, shall, as from the passing of this Act, be signified by His Majesty in Council.

Power to make rules.

44.—(1) Where any matter is required to be prescribed or regulated by rules under the principal Act and no special provision is made as to the authority by whom the rules are to be made, the rules shall be made by the Governor-General in Council, with the sanction of the Secretary of State in Council, and shall not be subject to repeal or alteration by the Indian legislature or by any local legislature.

(2) Any rules made under this Act or under the principal Act may be so framed as to make different provision for different provinces.

(3) Any rules to which subsection (1) of this section applies shall be laid before both Houses of Parliament as soon as may be after they are made, and, if an Address is presented to His Majesty by either House of Parliament within the next thirty days on which that House has sat after the rules are laid before it praying that the

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rules or any of them may be annulled, His Majesty in Council may annul the rules or any of them, and those rules shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder; A.D. 1919.

Provided that the Secretary of State may direct that any rules to which this section applies shall be laid in draft before both Houses of Parliament, and in such case the rules shall not be made unless both Houses by resolution approve the draft either without modification or addition, or with modifications or additions to which both Houses agree, but, upon such approval being given, the rules may be made in the form in which they have been approved, and such rules on being so made shall be of full force and effect, and shall not require to be further laid before Parliament.

Amendments of principal Act to carry Act into effect, &c.

45. (1) The amendments set out in Parts I and II of the Second Schedule to this Act, being amendments to incorporate the provisions of this Act in the principal Act, and further amendments consequential on or arising out of those provisions, shall be made in the principal Act, and any question of interpretation shall be settled by reference to the principal Act as so amended. The provisions of the principal Act specified in Part III of that schedule, being provisions which are obsolete or unnecessary, or which require amendment in detail, are hereby repealed or modified, and shall be dealt with, in the manner shown in the second column of that schedule.

(2) Every enactment and word which is directed by the Government of India (Amendment) Act, 1916, or by this section and the Second Schedule to this Act, to be substituted for or added to any portion of the Government of India Act, 1915, shall form part of the Government of India Act, 1915, in the place assigned to it by the Government of India (Amendment) Act, 1916, or that schedule; and the Government of India Act, 1915, and all Acts, including this Act, which refer thereto, shall, after the commencement of this Act, be construed as if the said enactment or word had been enacted in the Government of India Act, 1915, in the place so assigned, and, where it is substituted for another enactment or word, had been so enacted in lieu of that enactment or word.

A copy of the Government of India Act, 1915, with the amendments, whether by way of substitution, addition, or omission, required by the Government of India (Amendment) Act, 1916, and by this section and the Second Schedule to this Act, shall be prepared and certified by the Clerk of the Parliaments, and deposited with the Rolls of Parliament, and His Majesty's printer shall print, in accordance with the copy so certified, all copies of the Government of India Act, 1915, which are printed after the passing of this Act, and the Government of India Act, 1915, as so amended, may be cited as "The Government of India Act."

Subsection (3) of section eight of the Government of India (Amendment) Act, 1916, is hereby repealed.

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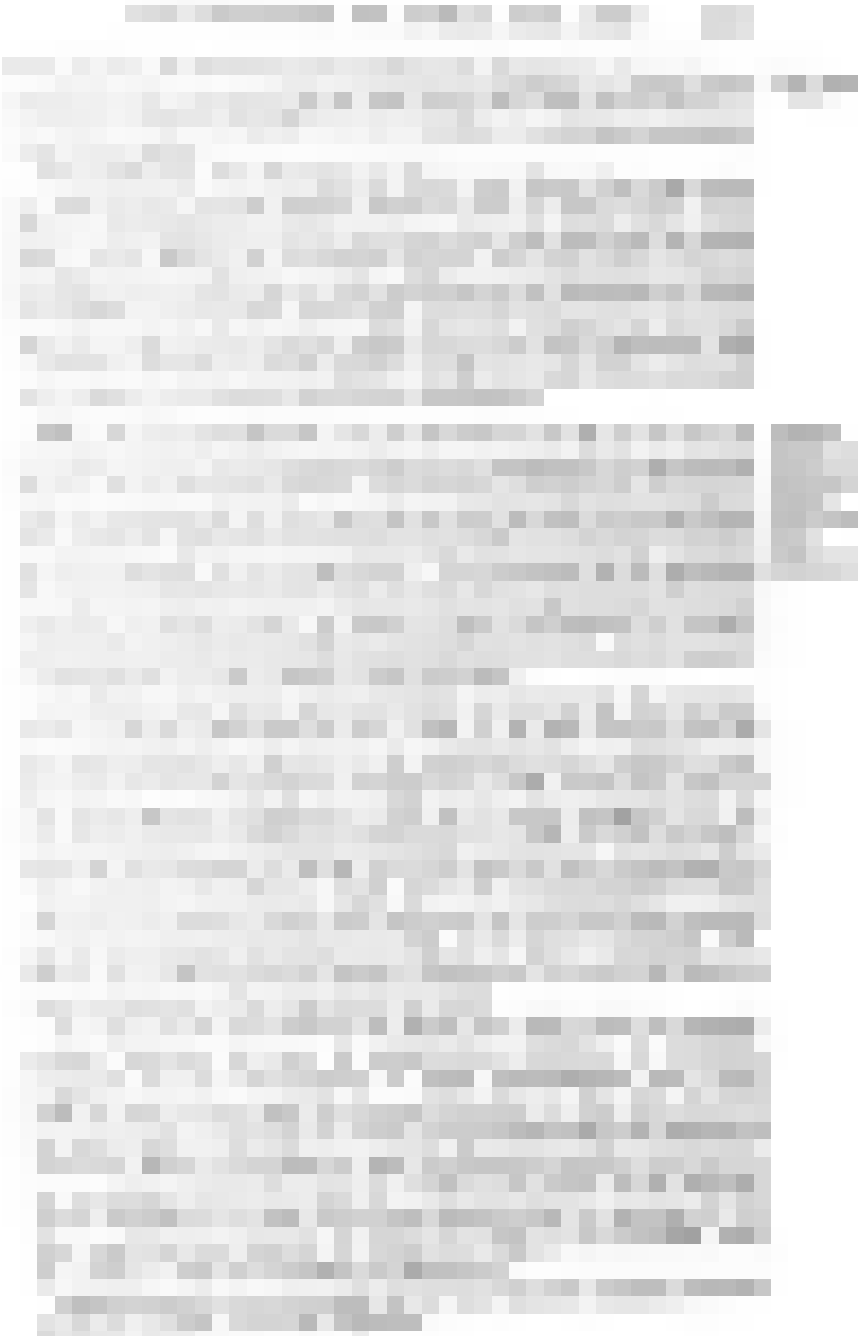

A.D. 1919.

Definition of official.

46. In this Act the expressions "official" and "non-official," where used in relation to any person, mean respectively a person who is or is not in the civil or military service of the Crown in India:

Provided that rules under the principal Act may provide for the holders of such offices as may be specified in the rules not being treated for the purposes of the principal Act or this Act, or any of them, as officials.

Short title, commencement, interpretation, and transitory provisions

47. (1) This Act may be cited as the Government of India Act, 1919, and the principal Act, as amended by any Act for the time being in force, may be cited as the Government of India Act.

(2) This Act shall come into operation on such date or dates as the Governor General in Council, with the approval of the Secretary of State in Council, may appoint, and different dates may be appointed for different provisions of this Act, and for different parts of India.

On the dates appointed for the coming into operation of the provisions of this Act as respects any executive or legislative council all the members of the council then in office shall go out of office, but may, if otherwise qualified, be re-appointed, re-nominated, or re-elected, as the case may be, in accordance with the provisions of the principal Act as amended by this Act.

(3) Any reference in any enactment, whether an Act of Parliament or made by any authority in British India, or in any rules, regulations or orders made under any such enactment, or in any letters patent or other document, to any enactment repealed by the principal Act, shall for all purposes be construed as references to the principal Act as amended by this Act, or to the corresponding provision thereof.

(4) Any reference in any enactment in force in India, whether an Act of Parliament or made by any authority in British India, or in any rules, regulations, or orders made under any such enactment, or in any letters patent or other document, to any Indian legislative authority, shall for all purposes be construed as references to the corresponding authority constituted by the principal Act as amended by this Act.

(5) If any difficulty arises as to the first establishment of the Indian legislature or any legislative council after the commencement of this Act or otherwise in first giving effect to the provisions of this Act, the Secretary of State in Council or the Governor General in Council, as occasion may require, may by order do anything which appears to them necessary for the purpose of removing the difficulty.

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SCHEDULES.

FIRST SCHEDULE.

NUMBER OF MEMBERS OF LEGISLATIVE COUNCILS.

Legislative Council.	Number of Members.
Madras	118
Bombay	111
Bengal	125
United Provinces	118
Punjab	83
Bihar and Orissa	98
Central Provinces	70
Assam	53

(NOTE. The second schedule, containing consequential amendments, &c., to be embodied in the Government of India Act, 1915, is omitted. Its effect can be seen by reference to that Act as revised in accordance with § 45 (2) of the amending Act.)

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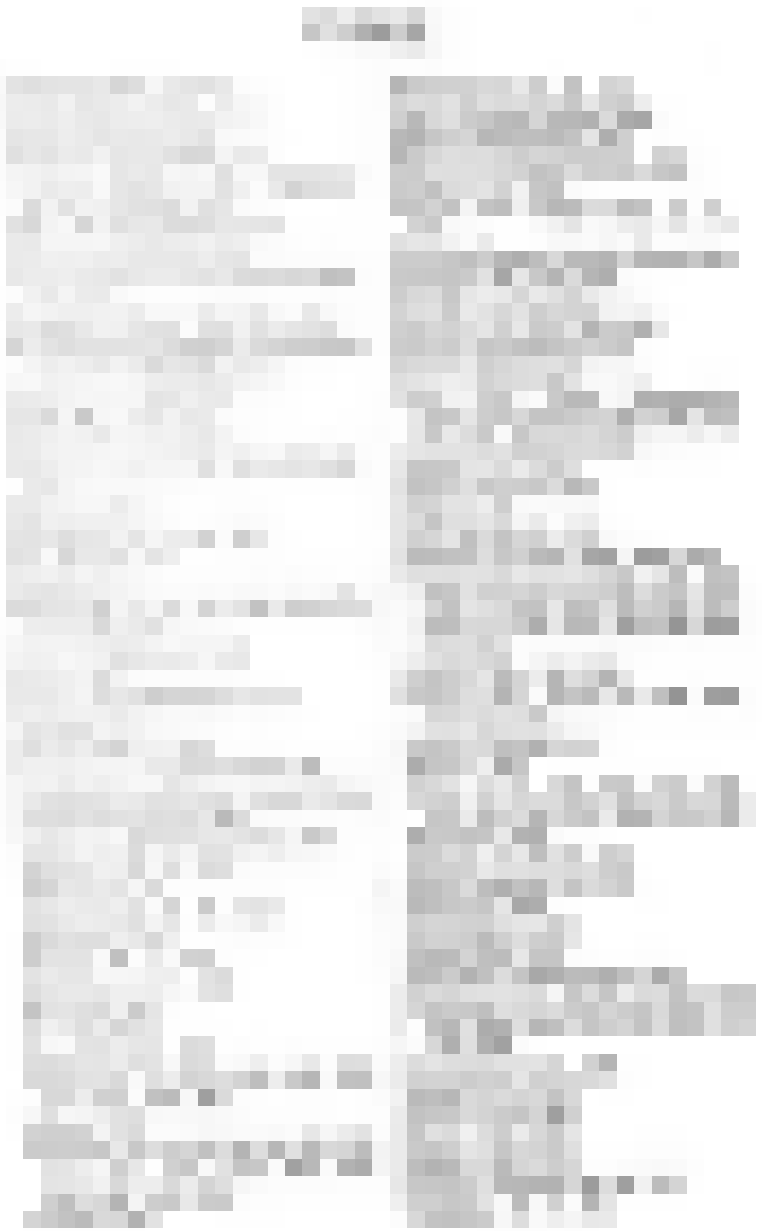

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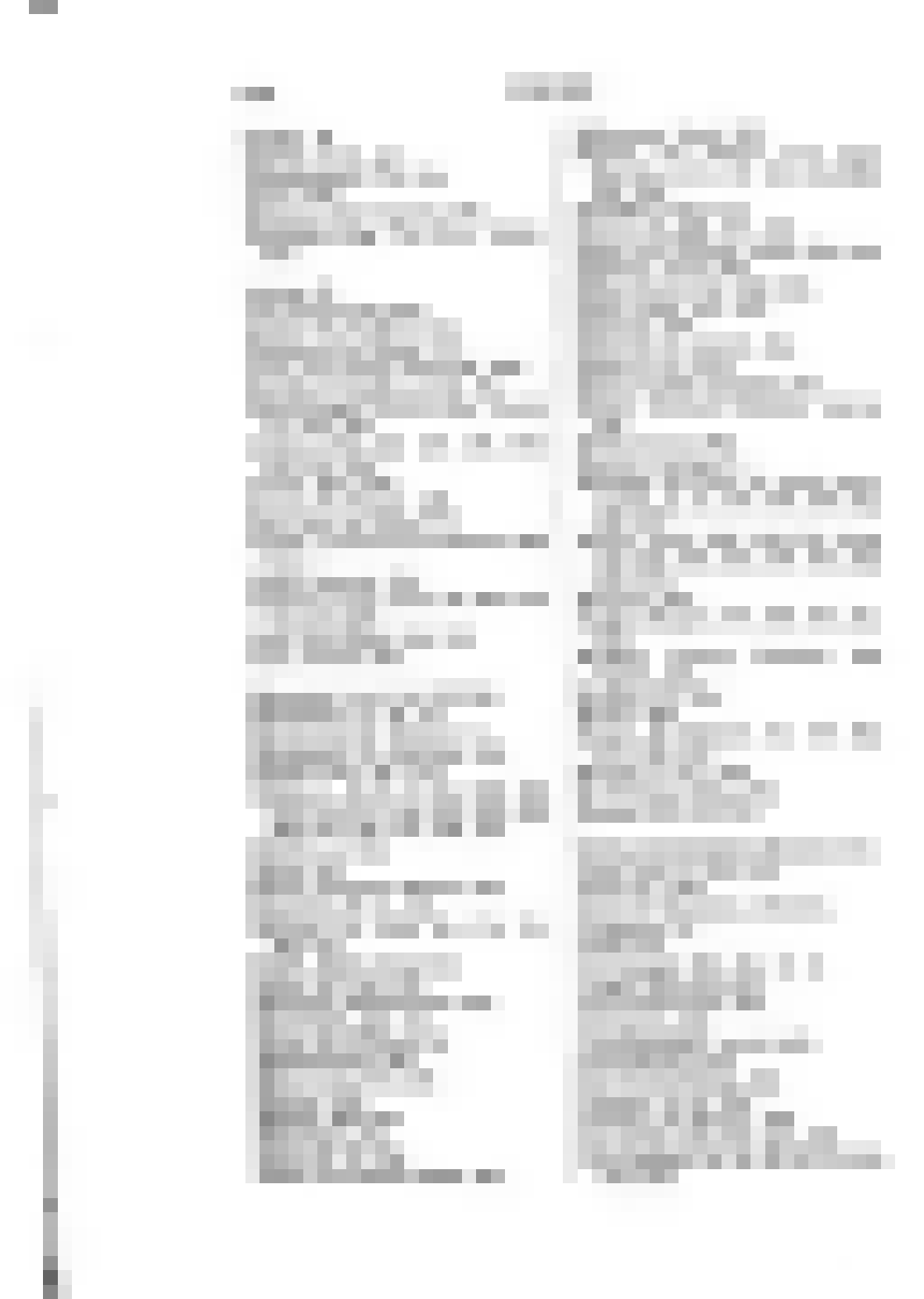

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